

By-Law 4

(Referendum and Plebiscite Act)

Acadia Students' Union

Enacted in November 2017

(1) Neutrality

- a. The Acadia Students' Union, its employees and Members of the Students' Representative Council shall refrain from taking a stance during any Union referendum.

(2) Council initiated Referenda

- a. A referendum may be initiated by ~~the~~ Council on any issue through a two-thirds vote ~~to Council~~;
- b. The wording on the ballot shall be approved by ~~the~~ Council; and
- c. A referendum initiated by ~~the~~ Council does not necessarily imply that the body endorses one side over another.
- d. If the Acadia Students' Union wished to implement a new student fee, a referendum must be held.

(3) Referenda initiated by Petition

- a. A referendum may be initiated by a petition of **five percent (5%)** of the ordinary and associate members of the Union; and
- b. A referendum dealing with Union finances may be initiated by a petition of **ten percent (10%)** of ordinary and associate members of the Union.
 - i. ~~A referendum dealing with Union finances shall be passed by a two-thirds majority of those the overall turnout.~~
- c. Every petition and communication to be presented to Council must be clearly written or printed and must not contain any impertinent or improper matter.
 - i. Every such petition shall be delivered to the Chairperson one (1) week preceding the meeting of Council and shall be included in the Agenda for that meeting.
 - ii. The Chairperson shall present the petition to Council and provide a draft wording for a referendum question.
 - iii. Council shall adopt appropriate wording for the referendum question and direct the Chief Returning Officer to hold a referendum on this question. (from Procedural Policy)

(4) General Rules

- a. No referendum shall override the Constitution, but may deal with proposed constitutional amendment(s) ~~changes to the Constitution~~;
- b. All referenda shall require a voter turnout of **twenty-five percent (25%)** of eligible voters in order to be considered valid; and
- c. Referenda questions shall only be posed with yes or no responses possible (MTA Referenda, Section 1)

(5) Ballots

- a. Referenda option shall be ordered as follows:
 - i. Yes
 - ii. No
- b. No campaign logos, slogans, or photos shall be displayed on ballots.
- c. The Chief Returning Officer shall be responsible for the creation of electronic ballots in conjunction with Technology Services.
- d. A spoiled ballot shall be counted as an eligible vote in the negative, and is defined as a ballot which selects more than one option.

(6) Voting Rights

- a. Only ordinary or associate members of the Union may vote in any Union referendum or plebiscite. (Moved from (3))
- b. Each voter shall be allowed to vote for only one option.
- c. Voting shall be completed by paper ballot for the Chief Returning Officer and Deputy Chief Returning Officer, administered by the Chairperson or their designate.
- d. There shall be no voting by proxy (MSVU Sec 7 (5))

(7) Campaign Financing

- a. The maximum amount permitted for each side to spend on a campaign includes any and all costs associated with each side's campaign during the campaign period including posters, food items, pins, beverages, etc.
- b. Each side must hand in any and all receipts to the Chief Returning Officer within seven (7) academic days after the results are announced.

- i. If a previously owned item by either side is used in the campaign, then they will submit instead to the Chief Returning Officer exactly what the item is, its estimated cost, and the logic behind the estimation.
- c. The value of all campaign materials used in the referenda campaign, regardless of whether they were purchased specifically for the campaign or not, including any homemade materials such as t-shirts and baked goods, are included in the maximum amounts as stated below.
- d. Any gifts, donations, or sponsorships made to each side are included in the total maximum amount for campaign financing. The Chief Returning Officer must estimate the value of any gifts, donations, and sponsorships unless a receipt is provided.
 - i. If the Chief Returning Officer suspects the receipt does not represent the market value, they can provide a reasonable estimate for its market value, and that value shall be included in the total maximum amount for the campaign.
- e. The items/expenses not included in the maximum allowable amount are tape, sticky tack, staples, and glue.
- f. Each side may spend up five hundred dollars (\$500) on financing their campaign, including gifts, donations, travel expenses and accommodations.
- g. If a side does not possess the resources to fund their campaign, they may apply in writing to the Chief Returning Officer to receive financing for their campaign by the Union;
 - i. All money left unspent, as determined by the side's election receipts, will be due to the Union;
- h. Failing to remit receipts for campaign expenses is considered an election offence and is therefore subject to Article 13 of By-Law 3 (Union Elections Act).

(8) Campaigning

- a. All active campaigning shall cease by the opening of the polls on the first day of voting.
 - i. Active campaigning on- or off-campus shall include, but not be limited to, any of the following;

1. Distribution of Campaign Materials;
 2. Production of Media Advertisements, excluding static website and social networking electronic media; and
 3. All campaign materials, in question, must be approved by the Chief Returning Officer before distribution.
- b. Non-Active campaigning may remain posted during the voting period. No new information can be posted to social media platforms after the polls open.
 - c. Notwithstanding Section (3)(b), the promotion of the democratic process shall be permitted during the voting period.
 - d. Both sides are expected to maintain a professional attitude and conduct themselves in a professional manner during the campaign and voting period.
 - e. No side shall engage in libel, or distribute material which could be constructed as slanderous towards the other side.
 - f. All sides are responsible for reading the Acadia Students' Union Constitution and By-Law 3 (Union Elections Act);
 - i. Ignorance may not be used as an acceptable defense for election offences covered in either the Union constitution or the Official Sides' Meeting.
 - g. All sides shall comply with all building regulations on and off campus, and any regulations of the University pertaining to Union elections or the display of materials.
 - h. Campaign materials:
 - i. No side or supporter of a side may deliberately cover, destroy, damage, deface or remove any campaign material of the other side during the campaign period;
 - ii. If posted campaign material falls off the surface on which it is hung, sides shall have twenty-four (24) hours to repost the material before the other side may occupy that space;
 - iii. Active Campaigning support of or opposition to any side shall not be permitted:

1. In any class/classroom or lab/laboratory of the University;
 2. In any University library;
 3. In any University residence (except the public outer entryway, subject to the discretion of Residence Life);
 4. In the Athletics Complex;
 5. In the Axe Bar & Grill (formerly the Axe Lounge);
 6. At any social event of the Acadia Students' Union, an Internal Organization, House Council or club/society of the Union;
 7. In the dining area of Wheelock Dining Hall (WDH); and
 8. Any office belonging to the Acadia Students' Union.
- i. No side shall use the logo, corporate seal or any other copyright material of the Union in their campaign or on any campaign material;
 - j. No side, or supporter of a side, may use their position to their advantage over the other side by using resources from their office or of their current position during the campaign period if they are:
 - i. Holding any elected or appointed position of Council or the Union; and/or
 - ii. Any Union employee.
 - k. Any promotional materials distributed throughout the campaign will be counted towards the maximum allowable financing amount;
 - l. All sides are responsible for removing all campaign advertising and literature twenty-four (24) hours after the announcement of election results.
 - i. If any campaign or advertising literature remains up past this time, any person may remove said materials;
 - ii. This includes but is not limited to the removal of all:
 1. Posters;

2. Banners; and
 3. Advertisements.
- iii.
- m. Handbills shall be no larger than 8.5 inches by 5.5 inches in size.
- i. The design may be submitted electronically to the Chief Returning Officer for prior review.
- n. Any campaign materials not covered in this By-Law shall be subject to the written approval of the Chief Returning Officer.
- o. Posters:
- i. All campaign materials including posters, signs, sheets, and banners located both on and off campus must be officially stamped on the side shown to the public by the Chief Returning Officer or the Deputy Chief Returning Officer;
 - ii. Unapproved and undistributed materials shall not count against the spending or poster display limits;
 - iii. Posters approved by the C.R.O. may not be the cause of subsequent disciplinary action against a side, with the exception of the potential removal of the posters;
 - iv. Both sides of a referendum campaign are permitted to post a maximum of 125 posters/signs/banners/sheets, which do not exceed 11 x 17 inches in size on campus with the exception of two (2) posters/signs/banners/sheets that may exceed 11 x 17 inches in size on campus. Both sides should campaign in the same manner as described for election campaigning in By-Laws 3, Section 7.
- p. All physical campaign material within eight (8) metres or eyeshot of a polling station must be removed twenty-four (24) hours before the opening of the polls.
- q. Electronic Campaigning:
- i. Electronic Campaigning is defined by but is not limited to:
 1. Social Media

- a. Facebook, Twitter, Snapchat, Instagram, LinkedIn, Swiflie, Tumblr, Flickr, Pinterest, YouTube, Vimeo, Periscope, Reddit, Google +, Quora, Slack and Twitch

2. Static Media

a. Websites

- ii. Any electronic campaigning sites, pages, groups or events must be approved by the Chief Returning Officer before they may become publicly available.

- a. The Chief Returning Officer must be an administrator and/or host of all social media (pages, groups and events) and static media.

- i. Campaign representatives are not permitted to post on behalf of a candidate.

- 1. "Campaign representative" shall be defined as individuals who are officially advocating on behalf of a candidate with their knowledge.

- 2. Shares, likes, retweets, and other methods on personal accounts are permitted by campaign representatives.

r. Food and Drink

- i. All Food and Drink are permitted as active campaigning.

- 1. All food and drink must be approved by the Chief Returning Officer.

- s. Sides are responsible for removing all electronic campaign material within twenty-four (24) hours after the election results are announced;

- i. This includes but is not limited to the removal of all:

- 1. Electronic campaign websites or pages; and
- 2. Electronic campaign material on all platforms of social media.

- t. All sides must be informed of the All Sides Debate by the Chief Returning Officer.

- i. The debate must include a segment for audience questions; and
 - ii. The Chief Returning Officer shall have discretion over any other aspect of the format of the debate, subject to Council's approval of the Chief Returning Officer's election plan.
- u. An information session for on-campus students may be held, upon scheduling and approval of the Chief Returning Officer and the Manager of Residence Life;
 - i. If a side is unable to attend the information session, another information session will not be scheduled by the Chief Returning Officer.
- v. Any side that contravenes any of the campaign rules and regulations outlined in Article 8 of By-Law 3 (Union Elections Act) is guilty of an offence and subject to appropriate disciplinary action as described in Article 13 of By-Law 3 (Union Elections Act).
- w. Any campaign infraction not covered in these By-Laws shall be subject to the discretion of the Chief Returning Officer.

(9) Union Media

- a. " Union Media" shall be defined as:
 - i. The Athenaeum;
 - ii. Axe Radio;
 - iii. Any other Internal Organization or ASU-ratified Club/Society that acts as a means of mass communication to students.
- b. Write-Ups
 - i. Both sides are entitled to have a limited write-up of their referendum platform published in The Athenaeum.
 - ii. The deadline and directions for submitting these write-ups will be established by the Chief Returning Officer in cooperation with the Editor-in-Chief of The Athenaeum.
 - 1. Should a side miss the deadline, no additional space shall be granted in The Athenaeum.
- c. Each side is entitled to have a five hundred (500) word write-up appear in either the print or the online version of the Athenaeum.

- d. The issue of The Athenaeum that the write-ups appear in shall not appear before the close of nominations, but at least 48 hours before the opening of the polls.
- e. The Editor-in-Chief shall ensure that no person(s) reads any of the write-ups before publication, except for The Athenaeum staff member(s) responsible for laying-out the paper. These staff members shall be bound to confidentiality.
- f. Acceptability of The Athenaeum write-ups shall be determined by the Chief Returning Officer in cooperation with the Editor-in-Chief.
- g. Any Union Media staff member who is involved with one particular side in the election shall not in any way be involved with Union Media from the opening of the campaign period to the end of the Election.
- h. Union Media shall have the right to report and analyze election happenings but shall not have the right to endorse any side.
 - i. Any publicity must offer every side equal opportunity to participate.
 - ii. Any publicity that pertains to a specific side shall include a disclaimer stating that the ideas printed are those of the author, not of Union Media or the Acadia Students' Union.
- i. No side may slander the other side in Union Media or in their write-up. Sides may address another side's platform, but attacks of a personal nature shall not be tolerated.

(10) Polling

- a. Polling shall take place online from at least 8:30 AM of the first day of voting until 4:00 PM of the second day of voting. All students shall be able to login to the University network and vote during this time.
- b. The Chief Returning Officer shall ensure that there are (at minimum) polling stations in the Beveridge Arts Centre, Huggins Science Hall, Patterson Hall, Students Union Building and Wheelock Dining Hall, and where students may vote online.
 - i. Polling station will be open from 8:30 AM to 4:00 PM on both voting days.
- c. Once the scheduled hour of the closing poll arrives, the poll will close exactly on time. No late votes will be permitted.

(11) Results

- a. All referenda, with the exception of those described in the **Constitution By-Law 4**, Article III ~~∨~~, Section 3, shall be determined by a simple majority of the overall turnout. A simple majority is 50 percent plus one vote of all eligible votes cast.
- b. In the case of a tie, the final decision of any Union referendum shall be decided by Council.
- c. All eligible votes cast includes all votes received by Technology Services from the time polls open until the time polls close.
- d. The Chief Returning Officer shall announce the results within twenty-four (24) hours after the closing of the polls through an all student email.

(12) Plebiscites

- a. A plebiscite may be initiated to seek the opinion of ordinary and associate members on a particular issue.
- b. Plebiscites shall not be binding upon ~~the~~Council.
- c. All regulations governing referenda shall apply in the case of a plebiscite.

(13) Offences

- a. Any person who is involved in advocating for a side in a referendum and plebiscite will be subject to discipline by the Chief Returning Officer and/or the Elections Sub-Committee of the Review Board for the following offenses:
 - i. Contravention of any part of By-Laws 4; or
 - ii. Commitment of an action deemed by the Chief Returning Officer to be an offence, such as the bribing of Election Officials.
- b. Complaints
 - i. Any Union employee and ordinary or associate member of the Union may make a complaint against a side in a referendum and plebiscite.
 - ii. To submit a complaint, the complainant shall complete and submit an Official Complaints Form to the Chief Returning Officer any time

after the close of nominations but no later than two weeks after the closing of the voting period.

- iii. This form shall include at least one (1) named witness and name the side who is being accused of contravening By-Laws 3 (Union Elections Act).
- iv. Upon receipt of an Official Complaints Form, the Chief Returning Officer shall:
 1. Verify the validity of the complaint by contacting witnesses and, where possible, by visually verifying the infraction;
 2. Upon verification, send an outline of the complaint to the accused(s), and request an explanation;
 3. Act as the primary arbiter for Union Elections and take disciplinary action (if necessary) \within 48 hours; and
 4. Send a written response to the complainant and the accused within 48 hours.
- v. If a complainant or the accused(s) is unsatisfied with the resolution provided by the Chief Returning Officer, they may appeal to the Elections Sub-Committee of the Review Board.
 1. The complainant or accused shall complete and submit an Official Appeals Form to the Deputy Chief Returning Officer, who shall inform the Chairperson;
 2. The Chairperson shall convene the Elections Sub-Committee of the Review Board within 24 hours of a request for appeal;
 3. The original Official Complaints Form shall be provided to the Elections Sub-Committee of the Review Board by the Chief Returning Officer;
 4. The Chief Returning Officer shall be allowed 20 minutes to explain the original Complaint, their investigation and the reasoning behind why their decision should stand, and then shall leave;
 5. The complainant or accused shall be allowed 5 minutes to explain the basis for their appeal, and then shall leave;

6. The Elections Sub-Committee of the Review Board shall decide upon the validity of the appeal and take disciplinary action (if necessary) within 24 hours; and
 7. The Elections Sub-Committee of the Review Board shall send a written response to the complainant, the accused and the Chief Returning Officer within 24 hours.
- vi. If the complaint is held against the Chief Returning Officer, the complainant may submit their form to the Deputy Chief Returning Officer who shall inform the Chairperson. The Chairperson shall convene the Elections Sub-Committee of the Review Board within 24 hours. Upon receipt of a complaint against the Chief Returning Officer, the Elections Sub-Committee of the Review Board shall:
1. Verify the validity of the complaint by contacting witnesses and, where possible, by visually verifying the infraction;
 2. Take disciplinary action (if necessary) within 48 hours; and
 3. Send a written response to the complainant and the Chief Returning Officer within 48 hours.

c. Punishment of Election and Referendum Offences

- i. Any advocate, or Election Official in a referendum and plebiscite who has been found guilty of committing an election offence may be:
 1. Disqualified to participate in any debate;
 2. Penalized by means of being required to remove all or part of campaign promotional material both on and off campus;
 3. Recommend for impeachment, as per the procedure outlined in this constitution, if already a member of Council; and/or
 4. Any other penalty as deemed appropriate by the Elections Sub-Committee of the Review Board.

- ii. Disqualifications shall be based on the accumulation of “points”, with no side allowed to continue running or assume office if they acquire 100 or more points.
- iii. At the discretion of the Chief Returning Officer and/or the Elections Sub-Committee of the Review Board, the point allocations may be levied against the guilty side.

| Section | Offense Descriptions | Point Value |
|-------------|--|-----------------------------|
| 7 (b) | Receipts | 10-50 |
| 7 (f) | Spending Limits | 50-100 |
| 8 (a) | Active Campaigning on Voting Days | 50-100 |
| 8 (d) | Failure to Maintain Professional Attitude | 10-50 |
| 8 (e) | Libel in Campaign Materials | 50-100 |
| 8 (g) | Building Regulations | 10-50 |
| 8 (h) (i) | Deliberate Destruction of Campaign Materials | 10-50 per infraction |
| 8 (h) (iii) | Active Campaigning in Restricted Areas | 50-100 and/or 10 per poster |
| 8 (i) | Use of Corporate Logo | 10-50 |
| 8 (j) | Use of Union Resources | 50-100 |
| 8 (l) | Removal of Physical Campaign Materials | 10 per item |
| 8 (p) | Removal of Physical Campaign Materials around Polling Stations | 20-100 |
| 8 (q) (ii) | Approval of Electronic Campaign Material | 50-100 |
| 8 (s) | Removal of Electronic Campaign Material | 10 per item |
| 8 (w) | Contravention of CRO Instructions | 20-100 |

- iv. The Chief Returning Officer and the Elections Sub-Committee of the Review Board shall take the severity and frequency of infractions into account when deciding upon disciplinary action.

d. Overturning of an Election or Referendum

- i. Upon hearing all evidence at the request of the Chief Returning Officer, the Elections Sub-Committee of the Review Board may overturn any Union election or referendum in whole or in part.
- ii. If the Elections Sub-Committee of the Review Board overturns an election or referendum in whole or in part, the Chief Returning Officer shall inform all Union members of the new date of the election or referendum.
- iii. After the date which the election or referendum was overturned, a by-election or referendum shall be held within 30 days.

(14) Amendments

- (1) Amendments to all sections of By-Law 4 (Referendum and Plebiscite Act) shall be carried out in accordance with Article III of Acadia Students' Union Constitution.
- (2) No amendments to By-Law 4 (Referendum and Plebiscite Act) may be entertained at Council during the campaign period of any Referenda and/or Plebiscite.