



# General Electoral By-Laws

**Revision History:**

November 21, 2007

Fall 2012

September 4, 2013

October 2, 2013

November 2013 (via referendum)

February 12, 2014

January 14, 2015 (new by-laws)

February 18, 2015

April 8, 2015

May 24, 2015

February 7, 2018



## **ARTICLE 1 – DEFINITIONS**

- 1.1 “AUS” shall refer to the Arts Undergraduate Society of McGill University
- 1.2 “The Society” shall refer to all members of the AUS, as defined by the Constitution.
- 1.3 “Council” shall refer to the Council of the AUS
- 1.4 “CRO” shall refer to the Chief Returning Officer of the AUS.
- 1.5 “DRO” shall refer to the Deputy Returning Officer of the AUS.
- 1.6 “Elections AUS” shall refer to the office of the Chief Returning Officer established by Article 14 of the AUS Constitution.
- 1.7 “Working day” shall refer to any scheduled day of classes as defined by McGill University.
- 1.8 “Slate” shall refer to any group of candidates who are voluntarily running in support of one another.
- 1.9 Communications shall be considered “unsolicited” if the recipient does not normally receive communications from the sender. The determination of whether communications are solicited or unsolicited shall be made using the standard of the reasonable person.
- 1.10 Elections shall be held between January 15 and April 5. If necessary, by-elections may take place between September 15 and December 1. Referenda shall be held between September 15 and December 1 or between January 15 and April 5.

## **ARTICLE 2 – ELECTIONS AUS**

- 2.1 There shall be an impartial body charged by the Society with overseeing AUS elections and referenda, hereinafter referred to as “Elections AUS”.
- 2.2 Elections AUS shall administer all elections and referenda as provided for in the AUS Constitution and Bylaws, as well as any election that may be assigned to them from time to time by Council.



- 2.2.1 The AUS elector's list must be received by the CRO before October 1.
- 2.3 Elections AUS shall be composed of the Chief Returning Officer and Deputy Returning Officers. The President of the AUS shall be an advising member of Elections AUS.
- 2.4 The CRO shall be appointed by the executive committee and ratified by Council no later than October 1. The DRO(s) shall be appointed by the CRO and ratified by Council no later than January 21.
- 2.5 The CRO shall be responsible for the general conduct and execution of elections and referenda and shall fulfill this duty with impartiality. The DROs shall assist the CRO to the extent designated by the CRO.
- 2.6 Should the President of the Society intend to run for election or join a campaign committee, they shall refrain from advising Elections AUS on matters pertaining to the election or referendum they are involved with.
- 2.7 Elections AUS officers may be removed from office for impropriety, violation of the AUS Constitution or Bylaws, delinquency of duties or misappropriation of funds by a three-fourth (3/4<sup>th</sup>) vote of Council.
- 2.8 No changes shall be made to the stipend of an officer of Elections AUS during their term of office. No officer of Elections AUS shall be deprived of any part of their stipend unless the officer resigns or is removed from office by Council.
- 2.9 The CRO shall submit for the approval of Council the following dates: the nomination period, the campaign period, and the polling period.
- 2.10 No officer of Elections AUS shall be a member of Council (including Speaker and Recording Secretary), candidate for an executive position, member of a candidate's campaign committee or member of a referendum committee. No officer of Elections AUS shall be on the editorial staff of any campus publication that is published more than six (6) times a year.

### **ARTICLE 3 – NOMINATIONS**

- 3.1 The nomination period for AUS executive officers and Arts Representatives to the SSMU shall be a minimum of five (5) working days, closing at 5:00 PM on the last day. The nomination period for any elected position shall be extended by a minimum of two (2) days if fewer than two (2) candidates are nominated for that position.



- 3.2 The procedure for nomination shall be established by Elections AUS and shall be announced to the members of the Society through the elections listserv at least three (3) working days prior to the opening of the nomination period.
- 3.3 All members running for an AUS Executive, Representative, or Senator position shall be required to meet with the relevant incumbent before the end of the extended nomination period.
  - 3.3.1 Those running for Arts Representative or Senator shall be required to meet with one incumbent.
- 3.4 Where no students declare themselves as candidate for an elected position, the outgoing Council shall fill said position by appointment.
- 3.5 Candidates shall not be permitted to collect signatures before the opening of the nomination period.
- 3.6 The following number of valid Society member signatures are required for a successful nomination bid:
  - i) Seventy-five (75) signatures for President of AUS
  - ii) Fifty (50) for all other positions
  - iii) Fifty (50) signatures from Society members enrolled in the Bachelor of Arts program for Arts Representative to SSMU
- 3.7 Signatures shall be valid only if accompanied by a corresponding name, student identification number, degree (B.A. or B.A. & Sc.), and program year.
- 3.8 Members of the Society may nominate more than one (1) candidate for a given position.
- 3.9 Members of the Society may present themselves as candidates for only one (1) elected AUS position at any given time.
- 3.10 Members of the Society presenting themselves as candidates for any AUS executive or representative position may not present themselves as candidates for any executive or representative position at AUS-affiliated departmental associations during the same electoral period.



## ARTICLE 4 – REFERENDA

- 4.1 Any fee imposed by a referendum shall be brought to subsequent referenda per its stipulated term limit for cyclical review.
- 4.2 Referenda may be initiated by a two-thirds (2/3) vote of Council or by a petition signed by at least one hundred and fifty (150) members of the Society and filed with Elections AUS a minimum of fifteen (15) days prior to polling.
- 4.3 In the case of a Council-initiated question, Council must ratify the wording of the question in both official languages of the AUS a minimum of fifteen (15) days prior to polling. Approved fee-related questions must also be forwarded to the Office of the Deputy Provost (Student Life and Learning).
- 4.4 In the case of a petition-based question, the petition must include the wording of the question in both official languages of the AUS. Signatures shall be valid only if accompanied by a corresponding name, student identification number, degree (B.A. or B.A. & Sc.), and program year.
- 4.5 Council may form a “Yes” or “No” committee in any referendum through a regular motion of Council. A chairperson for the committee shall be appointed in the same motion.
- 4.6 Members of the Society may form a “Yes” or “No” committee provided a petition signed by fifty (50) members of the Society. Signatures shall be valid only if accompanied by a corresponding name, student identification number, degree (B.A. or B.A. & Sc.), and program year. The petition shall be signed by the committee’s designated chairperson and submitted to Elections AUS no later than two (2) days before the beginning of the campaign period.
- 4.7 Only one (1) “Yes” committee and one (1) “No” committee for each referendum question will be allowed to exist.
- 4.8 Referendum periods shall be announced to the members of the Society through the elections listserv at least three (3) working days prior to the opening of the campaign period.

## ARTICLE 5 – CAMPAIGNS

- 5.1 Elections AUS shall arrange an information meeting for all candidates for the executive positions, positions of Arts Representatives to the SSMU, and members



of the referendum committees to be held before the beginning of the campaign period.

- 5.2 Elections AUS shall arrange a debate between candidates to be held during the campaign period.
- 5.3 The campaign period shall last no less than five (5) working days. Campaigning shall not be permitted before the opening of the campaign period.
- 5.4 No campaign material may be slanderous, libel and/or discriminatory toward a candidate or their position. No campaign material may be unequivocally degrading to any person, organization or department of the University or to any outside group.
- 5.5 No candidate shall be allowed to post more than fifteen (15) posters in any given building on any given day. Permission must be granted by the porter of each building prior to the placement of any poster. The dimensions of a poster shall not exceed 8.5 by 11 inches. A maximum of ten (10) posters of a larger size of 11 by 17 inches shall be allowed, with a limit of one (1) per building.
- 5.6 Any poster with the name or photo of one of the members of a slate shall be counted as one of the candidate's posters. Any poster with the name of a slate shall be counted as one of each candidate's posters. Slates shall not be granted additional posters.
- 5.7 No candidate, member of a campaign committee, or member of a referendum committee shall have editorial, programming or reporting duties with any student-funded publication at McGill University for the duration of the campaign period, nor shall they use the means of their position in any other campus group to aid in a campaign.
- 5.8 The determination of whether an individual is a member of a candidate's campaign committee or a referendum committee shall be made using the standard of the reasonable person.
- 5.9 All campaign material shall be presented to the CRO before its distribution. The CRO shall have the right to prohibit use if the content or distribution contravenes these bylaws.
  - 5.9.1 All candidates and referenda committees must invite the Elections AUS' social media account to all groups and pages. Social media groups and pages are included but not limited to Facebook, Twitter, and Instagram.



- 5.10 Candidates may not distribute food or any other gifts in kind for the purpose of campaigning.
- 5.11 No candidate, member of a campaign committee, or member of a referendum committee shall send unsolicited communications (including e-mail, direct messages, texts and letters) for the purpose of campaigning.
- 5.12 The AUS may not send out endorsements to its official listserv.
- 5.13 Each candidate for any executive position or Arts Representative to the SSMU shall be permitted to spend a maximum of seventy-five Canadian dollars (\$75) on materials pertaining directly and exclusively to the campaign. Each referendum committee shall be permitted to spend a maximum of one hundred Canadian dollars (\$100) on materials pertaining directly and exclusively to the campaign. There shall be a review of campaign spending guidelines at least every two (2) years.
- 5.14 Slates shall not be permitted to spend more than the aggregate spending limit of their individual members.
- 5.15 Candidates or referendum committees that violate the spending limits shall have their nomination disqualified by Elections AUS.
- 5.16 Candidates and referendum committees must submit a report of their expenditures within five (5) days of the conclusion of campaigning. The CRO shall review all campaign expenditures and they shall make a summary of said expenditures available to all candidates, members of referendum committees, and other interested parties within seven (7) days of the end.
- 5.17 All candidates and referendum committees shall be entitled to request a reimbursement from the AUS for the entire amount spent on campaign materials upon presentation of receipts, except as otherwise provided in these bylaws. In order to be eligible for reimbursement, a candidate or referendum committee needs to receive five percent (5%) of the popular vote in their race.
- 5.18 All candidates and referendum committees shall be entitled to request an inquiry into the campaign expenditures of another candidate or referendum committee no later than seven (7) days after receiving the CRO's report on campaign expenditures.



## ARTICLE 6 – POLLING

- 6.1 The quorum for AUS elections and referenda shall be eight percent (8%) of the AUS members eligible to vote.
- 6.2 The polling period shall last no less than three (3) working days and shall close when the campaign period closes.
- 6.3 The polling period and polling website shall be announced to all registered voters at appropriate times, as determined by Elections AUS.
- 6.4 Only students enrolled in a Bachelor of Arts (B.A.) degree will be allowed to vote for Arts Representative to SSMU.
- 6.5 All ballots shall be cast through an online voting system, which shall use the highest security encryption that is reasonably available to Elections AUS.
- 6.6 All users of the online voting system must provide a valid McGill email address.
- 6.7 Should the online voting system become faulty or unreliable mid-way through the polling period, Elections AUS may indicate a new, fair, method of voting, which may include holding a separate emergency polling period or extending the polling period.
- 6.8 If any problems with the online voting system are detected that may have affected the outcome of the election, Elections AUS may call for a new election as soon as logistically possible.
- 6.9 Any member of the Society with knowledge of a problem with the online voting system may file a report to Elections AUS within seven (7) days of the conclusion of the election.
- 6.10 Should a candidate or member of a candidate's campaign committee be found to be involved in any form of tampering with the online voting system, the candidate shall immediately be disqualified and permanently barred from holding elected or appointed office in the AUS. Should a member of a referendum committee be found to be involved in any form of tampering with the online voting system, a new polling period for the referendum shall be called, and that member shall be barred from participating in the referendum campaign.
- 6.11 Once the official results are announced by Elections AUS, neither appeals of the final tally nor any recounts may be made.





- 6.12 Elections AUS shall have the power to enforce any additional rules or regulations to run the online voting system, provided they do not contradict the AUS Constitution or these Electoral Bylaws.
- 6.13 The CRO shall announce publicly the official results of the elections and referenda within 24 hours of Elections AUS witnessing the online polling results. They shall submit the results in writing to the AUS President within seven (7) days and notify the President of any irregularities, ties, or appeals in the election or referendum period.
- 6.14 If two or more leading candidates have received an equal number of votes, a run-off election shall take place between the tied leading candidates no later than two (2) working days after the end of the regular polling period for that election.
  - 16.14.1 If two or more leading candidates have received an equal number of votes, they may jointly petition the CRO to waive the run-off election and hold a random sample of the vote to determine which of the tied candidates wins the election. The sampling shall take place no later than five (5) working days after the end of the regular polling period for that election, in the presence of the CRO, the tied candidates, and one (1) witness per candidate.
- 6.15 In the event of a tied vote, the CRO shall announce publicly the official results of the elections and referenda as soon as the tied vote is resolved per Article 6.14 or 6.14.1.

## **ARTICLE 7 - RULINGS**

- 7.1 In the event of a tied vote, the CRO shall announce publicly the official results of the elections and referenda as soon as the tied vote is resolved per Article 6.14 or 6.14.1.
- 7.2 Official decisions by Elections AUS shall require the support of a majority of Elections AUS officers. Should Elections AUS not be able to come to a majority decision, the tie-breaking vote shall reside with the CRO.
- 7.3 Official decisions by Elections AUS may be appealed to the Judicial Board of the Students' Society of McGill University (SSMU), as provided in the AUS Constitution, no later than five (5) working days after the election results have been announced or invalidated. The appeals period may not be extended by the AUS Council or the Judicial Board.
- 7.4 Candidates and members of referendum committees who violate these Bylaws or the AUS Constitution shall be subject to the penalties listed in Appendix A.



- 7.4.1 Upon handing down a penalty listed in Appendix A, Elections AUS is to provide the penalized student(s) with instructions on how to appeal decisions to the AUS Legislative Council and SSMU Judicial board, including the application form listed in Appendix B.
  
- 7.5 Candidates and members of referendum committees may be disqualified upon a first or second infraction should the violation be so serious as to have significantly and irreparably advantaged the candidate or referendum committee, such that a fair result at the ballot would be unattainable.
  
- 7.6 Elections AUS shall invalidate an election or referendum if, in its opinion, a violation of the Constitution and Bylaws has adversely affected the outcome of that election or referendum. In making this decision, Elections AUS will consider the conduct of the parties and the seriousness of the violations.
  
- 7.7 In the event of an invalidated election, a new election will be held with only the names of those candidates appearing on the initial ballot, excluding any disqualified candidates, for only the race(s) that were invalidated. This repeat election shall be held within ten (10) working days of the final decision of invalidation, before the end of the final examinations period.



## Sanctions & Demerit System (Appendix A)

Infraction	Minimum Sanctions	Maximum Sanctions	Demerits
Posting over another candidate's campaign material.	N/A		4-5
Misuse of an elected or appointed position* (incl. moderator positions of social media groups)	Public Announcement	Disqualification	12-18
Posting in a restricted area /unauthorized posting	N/A		2-4
Unauthorized Campaigning* (incl. without Professor's permission / unauthorized publicity thru emails, social media, etc. / falsification of endorsement / campaigning in unauthorized and restricted areas )	Demerit Points	Disqualification	6-18
Pre-Campaigning*	Demerit Points	Public Announcement	4-12
Negative Campaigning*	Campaign Suspension	Disqualification	13-18
Inhibiting their candidates (preventing other candidates from running a campaign including but is not limited to engaging in deception or misinformation)	Public Announcement	Disqualification	12-18
Engaging External Support*	Campaign Suspension	Disqualification	13-18
Spending over given budget	Public Announcement	Disqualification	12-18
Deception of election authorities	Campaign Suspension	Disqualification	13-18
Bribery (attempted or successful)	Campaign Suspension	Disqualification	13-18

\*Up to discretion of Elections AUS, may result in public censure through Listserv, Facebook, or any other public communication means if the above, prove to be unavailable.

These sanctions and demerit points are to be interpreted as a **guideline** only. Elections AUS has the sole authority to interpret the sanctions and demerit system. Appeals may be made to the Judicial Board.