

2020 OPIRG Referendum Rules

1. GENERAL

- 1.1. These rules shall apply to all aspects of the 2020 OPIRG Referendum, as per the authority of MSU BYLAW 10 - ELECTIONS, section 9.1.
- 1.2. Referendum side representatives shall be responsible for familiarizing themselves with MSU BYLAW 10 ELECTIONS, MSU BYLAW 10/A ELECTORAL PROCEDURES, these election rules, any further addenda, and Elections Committee decisions posted outside of the MSU Main Office and on the MSU website.
- 1.3. Ignorance of any rule presented in these documents, revisions, or addenda is not an excuse for violations. Referendum side representatives should proactively seek clarification if needed.
- 1.4. The Returning Officers may provide an interpretation of these election rules, but such an interpretation shall not be binding on the Elections Committee.
 - 1.4.1. Individuals may request that the Returning Officers refer a question and all relevant materials to the Elections Committee.
 - 1.4.2. If the Elections Committee cannot resolve the issue by email, a committee meeting will be called.
- 1.5. Any person with concerns regarding the organization, operation, or outcome of the referendum shall register their complaints, in writing, to the Returning Officers as per MSU BYLAW 10 - ELECTIONS and MSU BYLAW 10/A ELECTORAL PROCEDURES.

2. DEFINITIONS

- 2.1. "Bad taste" shall include but is not be limited to actions or activities that is determined by the Returning Officers to be: sexist, racist, heterosexist, homophobic, pornographic, obscene, derogatory or prejudicial to any member of the McMaster community. It shall not contravene McMaster University policies including but not limited to the Student Code of Conduct, Harassment and Discrimination Policy, Sexual Violence Policy, and/or those in effect in student residences.
- 2.2. Campaigning shall be defined as, but not necessarily limited to:
 - 2.2.1. The distribution and display (excluding design) of campaign materials with the intention of promoting a referendum side;
 - 2.2.2. Speaking to classes, residences, student groups, or individuals for the purpose of presenting a platform as/for a referendum side.

2.3. Campaign material shall be defined as anything used with the intention of promoting a referendum side. This includes, but is not necessarily limited to:

- 2.3.1. Anything possessing a combination of a campaign's name, likeness or platform;
- 2.3.2. Electronic media;
- 2.3.3. Material associated with a particular campaign theme.

2.4. A campaign theme shall be defined as anything intended to form an association with a particular referendum side. This includes, but is not necessarily limited to:

- 2.4.1. Colour coding;
- 2.4.2. Clothing, clothing accessories or paraphernalia;
- 2.4.3. Publicizing a slogan.
- 2.4.4. Logos

2.5. The following shall not constitute campaigning:

- 2.5.1. An individual asking to have his or her registration form signed;
- 2.5.2. Bringing campaign material to the Returning Officers;
- 2.5.3. Publicizing an upcoming election;
- 2.5.4. Producing campaign material prior to the start of campaign period, so long as it is not publicly available or visible;
- 2.5.5. Forming a campaign team;
- 2.5.6. Private campaign team meetings;
- 2.5.7. Private distribution of campaign material to campaign team members;
- 2.5.8. Personal use of social media.

2.6. A campaign representative is an individual who is registered to a campaign team and actively campaigns on behalf of a referendum side. Known also as a campaign team member.

2.7. A campaign supporter is an individual who shows support for a referendum side but is not registered to a campaign team.

2.8. MSU Space shall be defined as the official offices, physical and online (excluding Facebook, Instagram and Twitter), events and facilities of the MSU.

2.8.1. The Elections Committee reserves the right to inspect all MSU Space.

2.9. Campaign expenses shall constitute any and all money spent for the purpose of campaigning.

3. NOMINATIONS

3.1. Only MSU members as defined in MSU BYLAW 2 - MSU MEMBERSHIP are allowed to join a campaign team or support a referendum side.

3.2. The Nomination Period will open on February 11, 2020. Nominations will close at 5:00 PM on March 4, 2020.

3.3. Nomination forms are to be submitted to the Returning Officers through the MSU Office front desk.

3.4. The MSU Accounting Office will collect a deposit of \$50 per team upon the submission of a completed nomination form. The deposit will be returned to the team after the appeals period has ended less the amount of any fines levied for campaign violations.

3.5. A list of all campaign representatives is due with the submission of the nomination form. An electronic copy shall be forwarded to the CRO as well.

3.5.1. Changes to the list after its submission can be made in writing to the CRO.

3.6. Registration forms will be validated by the Returning Officers. Any team whose nomination form does not meet the validation requirements shall be given one business day after the close of nominations to amend and re-submit for validation.

3.7. All campaign representatives must be registered on a campaign team. Representatives may be added to the campaign team at any time by the campaign manager or the Elections Committee. The Elections Committee reserves the right to add individuals who appear to be campaigning on a referendum side's behalf to their campaign team and all parties shall be notified of that fact by email.

3.8. The names of referendum side representatives will be posted publicly after all registration forms have been validated.

4. CAMPAIGNING

4.1. Campaigning will begin at 12:00 pm on March 5, 2020 and end at 5:00 pm on March 12, 2020.

- 4.1.1. Teams found to be campaigning outside of this timeline will be found in violation and will be fined accordingly.
- 4.2. No one shall cause a wilful disturbance, interfere, or attempt to interfere with an individual's right to vote.
- 4.3. Campaign team members may not provide students with an electronic device on which to vote.
- 4.4. Campaign team members may campaign off-campus under the following exceptions:
 - 4.4.1. Campaign team members may not campaign door-to-door off-campus;
 - 4.4.2. Campaign team members may only post campaign material in their own personal space and that of consenting McMaster students.
- 4.5. Campaign team members may not use resources or clubs of the MSU to campaign.
- 4.6. Campaign team members may campaign in MSU Space, subject to the following restrictions:
 - 4.6.1. No referendum material beyond that which is published by the Elections Department shall remain or be posted in MSU Space;
 - 4.6.2. Campaign team members will be revoked access to the Committee Room in the MSU Office;
 - 4.6.2.1. Campaign team members, not on leave, may attend their MSU service and/or committee meetings, provided they do not campaign in the space.
 - 4.6.3. Campaign team members are not permitted to address student groups or individuals unsolicited.
- 4.7. Only for the purposes of production or approval may campaign materials be visible in the MSU Elections Department, MSU Underground Media & Design, The Silhouette office, and MSU Main Office.
- 4.8. Campaign team members are not entitled to use in their campaign, any service or moneys conferred onto them by virtue of holding a position in any campus organization. This includes, but is not limited to, office supplies, equipment, advertising space and staff.
- 4.9. Employees and volunteers of the MSU may not campaign as a referendum side representative or supporter with the following exceptions:

- 4.9.1. Full-time employees, part time managers, and paid staff, excluding Customer Service Representatives, must receive a leave of absence through the appropriate Board (i.e. Board of Directors for full-time employees, or Executive Board for part-time staff, including Associate Vice-Presidents) before the start of the campaign period;
- 4.9.2. Caucus Leaders must receive a leave of absence from their caucus leader duties on the SRA for the campaign period;
- 4.9.3. Volunteers who possess extra privileges to book MUSC space will be suspended of these privileges during campaign period;
- 4.9.4. Volunteers may not campaign during the course of their duties, in MSU spaces, or while acting as a representative of the MSU;
- 4.9.5. If the Elections Committee receives or initiates a complaint that a volunteer or staff member of any MSU service is using their position to promote or denigrate a referendum side, the Elections Committee may request for the suspension of the volunteer or staff member for the duration of the campaign or appeals period through the appropriate service manager or Board. Appealing a decision does not stay the suspension. If complaints are determined to be unfounded by the Elections Committee or its decision overturned by appeal, the individual will be reinstated to their position.
- 4.10. Residence Life staff or volunteers may not display or distribute any campaign materials inside residence.
- 4.11. Only material produced by the Elections Department may be displayed on residence bulletin boards and doors of Residence Life staff.
- 4.12. No campaign team members employed by or volunteering with Residence Life shall be granted entry to residence, except in fulfilment of the Residence Life Contract or in accordance to the Candidate Access to University Residence Policy.
- 4.13. Opinion pieces written by the candidates or representatives shall be clearly marked or defined as EDITORIAL and must declare the individual's campaign affiliation in the byline.
- 4.14. Campaign team members may not use Avenue to Learn to campaign or advertise an election.
- 4.15. Campaign team members may not distribute unsolicited electronic communication. Sponsored social media posts are not considered unsolicited electronic communication.
- 4.16. Electronic media must provide a link/tag to the main Elections Department website (msumcmaster.ca/elections), Facebook Page (@MSUElections), or @MSU_Elections

handle on Instagram, Snapchat and Twitter. See Appendix A for clarification on how to follow this rule.

4.16.1. Campaign team members are encouraged to use msumcmaster.ca/elections on campaign material during the campaign period including social media posts, and msumcmaster.ca/vote during polling days.

4.17. Campaign team members may not leave campaign material visible on McMaster University computers.

4.18. Official mass contact lists may not be used for campaigning. These include but are not limited to: club mailing lists, residence lists, and academic societies.

4.19. Campaigning or advertising a referendum may not take place on or in social media groups, pages, events or group chats, except those expressly created to advertise a candidate's campaign, with the following exception;

4.19.1. Posts made by the Elections Department may be shared on public Facebook groups or pages to advertise the referendum without additional commentary.

4.20. Use of speakers, microphones, or amplifying equipment including musical instruments is prohibited unless written authorization is given from the Elections Department.

4.21. Campaign team members must obtain the permission of the instructor before speaking to a class. Candidates must abide by the conditions imposed by the instructor.

4.22. Campaign team members in residence is subject to the Candidate Access to University Residences Policy by Housing and Conference Services.

4.23. Campaign team members are not permitted in the main office of the MSU unless receiving mail, attending meetings, or have an appointment with the Returning Officers.

4.24. Campaign team members are not permitted to include quotes or endorsements pertaining to the referendum by non-MSU members, or concurrent SRA General Election candidates.

4.25. Referendum sides may not take a position regarding a candidates in any concurrent MSU Elections.

4.25.1. Campaign representatives on a referendum side may also campaign for a candidate.

5. CAMPAIGN MATERIALS

5.1. Material may not possess any logo(s) of the MSU, McMaster University, or McMaster University recognized groups.

5.2. The Returning Officers must approve all campaign material, including theme, before the material is made public.

5.2.1. Prior to broadcast, print or posting, the Returning Officers must receive a copy of the text of ads on CFMU-FM, MacTV and ads in McMaster University publications (including classified ads).

5.3. All campaign materials, excluding those produced by the referendum side representatives, must be produced or contracted out by the MSU Underground Media & Design. The Underground Media & Design Manager, in consultation with the Returning Officers, will give a Fair Market Value Assessment for items produced for the candidate, for the purpose of declaration of expenses.

5.4. Any campaign materials that will permanently deface University property are prohibited.

5.5. Chalk and whiteboard markers may not be applied to McMaster University or MSU property, including but not limited to chalkboards, whiteboards, sidewalks, roads, windows, and walls.

5.6. Posters may be affixed with masking tape only.

5.7. Posters displayed at any one time shall be limited to a total of 90 per campaign team. Posters must not exceed 11 x 17 inches.

5.7.1. One banner will be permitted. Banner must not exceed 3 x 6 feet and cannot be affixed to any wall, window, or door.

5.8. There shall not be more than two (2) posters per team in one area. An area shall be defined as an unbroken wall. Posters shall not be placed across or over any corner. Breaks shall be defined as corners and the mid-points above:

5.8.1. Doors;

5.8.2. Bulletin Boards;

5.8.3. Windows.

5.9. Posters may only be placed on internal, solid walls.

5.9.1. Posters may not obstruct signage or other posters.

5.9.2. In the Burke Science Building and the Health Science Centre, posters may only be placed on bulletin boards.

5.10. Campaigning and the posting of campaign material within the MUSC is subject to the McMaster University Student Centre Administration Posting Policy (muscmcmaster.ca/msu-election-posters/).

5.11. All campaign material, including tape, must be removed by 5:00 PM on March 13, 2020 or fines may be applied during the appeals period.

6. SPENDING LIMIT

6.1. Campaign sides may use materials and services with a Fair Market Retail value of up to \$250 (including all applicable taxes, and excluding deposit). Expenses must reflect the Fair Market Value of each item unless otherwise specified in these rules. The Returning Officers shall determine Fair Market Value using any combination of the following: Receipts of campaign expenses, consultation, published prices, and referring questions to the Underground Media & Design.

6.2. Campaign teams shall submit all receipts, invoices, and an itemized list of all campaign expenses and design costs.

6.3. If a campaign team has incurred no campaign expenses, a declaration of non-expenditure must be submitted.

6.4. A complete expense list or declaration of non-expenditure shall be submitted to the Returning Officers before 12:00 PM on the day prior to the close of polls.

6.5. The following shall be valued at \$0:

6.5.1. Any design work provided by campaign representatives;

6.5.2. Ad space provided by the Elections Committee.

6.5.3. Previously owned items.

6.5.3.1. Exceeding the \$50 Fair Market Value limit of previously owned items is up to the discretion of the Elections Committee.

6.6. If material from a previous campaign, or material that would normally be produced during the campaign period, is used as campaign material, it must be declared on the expense sheet and shall be counted as part of the spending limit.

6.7. There shall be no expenditures after the expense sheets, including receipts are submitted to the Returning Officers.

7. REFERNDUM VIOLATIONS

- 7.1. Any act that contravenes any article of MSU BYLAW 10 - ELECTIONS, MSU BYLAW 10/A – ELECTORAL PROCEDURES, this document, any further revisions, or addenda shall be considered a violation of referendum rules.
- 7.2. The Chief Returning Officer may, during the campaign period, exercise any combination of the following to address violations:
 - 7.2.1. Issue a warning;
 - 7.2.2. Levy a fine.
- 7.3. The Elections Committee may exercise any combination of the following to address violations:
 - 7.3.1. Issue a warning;
 - 7.3.2. Levy a fine;
 - 7.3.3. Disqualify a candidate;
 - 7.3.4. Invalidate an election;
 - 7.3.5. Recommend to the SRA the suspension of MSU privileges.
- 7.4. Referendum teams are responsible for their campaign and representatives. If a representative commits a violation, the team will be penalized.
 - 7.4.1. Campaign managers are required to notify the Returning Officers promptly, in writing, if they believe their campaign team could be unfairly penalized for another individual's actions.
- 7.5. The Elections Committee, through reasoned judgement, may determine a campaign supporter to be a campaign representative.
- 7.6. The Returning Officers shall make best efforts to notify campaign managers of complaints submitted against their team within 24 hours of the complaint being received.
- 7.7. Complaints about any aspect of the referendum (for example, but not limited to those about campaign team members, other individuals or the administration of the election) must be brought to the Returning Officers via the complaint form. The Elections Committee or Chief Returning Officer will hear all complaints received and decide if a violation of the referendum rules has occurred. The Elections Committee will seek further information from concerned parties if the committee feels that a complaint warrants such investigation. The CRO will seek further information from both the complainant and the accused. The deadline for the submission of complaints shall be:

7.7.1. At the close of polls (March 12, 2020 at 5:00 PM).

7.8. Campaign team managers can appoint a scrutineer to observe the opening of the ballot.

7.8.1. Scrutineers may submit complaints related to the opening of the ballot, in writing, to the Elections Committee through the Returning Officers within 24 hours of the completion of the ballot report approval.

7.9. Complaints received after the deadline but prior to the ratification of fines may be considered at the discretion of the CRO.

7.10. Fines shall be levied according to the following structure:

7.10.1. The standard fine for any violation shall be \$10;

7.10.2. A severe fine shall be \$20;

7.10.3. Campaign teams shall be fined 100% of the amount that exceeds the spending limit;

7.10.4. Fines for poster placement violations shall be given five (5) grace violations after which point they shall be \$2 for each subsequent offence to a maximum of \$50;

7.10.5. Fines for failure to remove campaign material by 5:00 pm on the day after the close of polls shall be \$5 for the first item and \$1 for each additional item. These fines will be assessed during the appeals period.

7.11. Severe violations shall constitute but are not limited to the following:

7.11.1. Exceeding the spending limit;

7.11.2. Production of campaign material by a company other than the Underground Media & Design (or a company that the MSU Underground Media & Design has contracted out to);

7.11.3. Failure to submit receipts and expense sheet prior to the Fines Meeting;

7.11.4. Misrepresentation by the campaign team on their expense sheet;

7.11.5. Use of material that is considered to be in “bad taste” as previously defined;

7.11.6. Use of material without notifying the returning officers within before it being made public;

7.11.7. Misrepresentation of any kind to the members of the Elections Committee on any matter relating to the election;

- 7.11.8. Deliberately violating any rule;
 - 7.11.9. Harassment by representatives or supporters;
 - 7.11.10. More than \$30 in fines for violations of the same nature of the same rule (if the violation is not already a severe violation);
 - 7.11.11. Violation of polling day campaign rules.
- 7.12. The Elections Committee may consider disqualification of a referendum campaign team for any severe violation or for at least 5 standard violations.
- 7.12.1. The Elections Committee shall automatically disqualify a referendum campaign team if it finds that a candidate has deliberately sabotaged another candidate's campaign, accumulated fines exceeding half of the spending limit, or accumulated 5 severe and/or 15 standard violations.
- 7.13. The Elections Committee may invalidate the referendum if it believes that the number and severity of violations materially affected the integrity of the referendum.
- 7.14. The Elections Committee may recommend to the SRA the suspension of an individual's MSU privileges under extreme circumstances.
- 7.15. The Elections Committee and the Chief Returning Officer shall consider any mitigating circumstances of which it is aware when assessing fines. Individuals may present further mitigating circumstances during the appeals period.
- 7.16. Any penalties, excluding invalidation, shall not take effect until the ratification of fines following the close of polls.