

MOTION TO AMEND THE LSA CONSTITUTION AND BY-LAWS CONCERNING ELECTIONS

**RÉSOLUTION POUR AMENDER LA CONSTITUTION ET LES RÈGLEMENTS DE L'AÉD
CONCERNANT LES ÉLECTIONS**

ATTENDU que les élections étudiantes de la Faculté de droit se sont avérées problématiques depuis plusieurs années; et

ATTENDU que les règles électorales sont amendées à chaque année et qu'il est nécessaire qu'une certaine stabilité soit obtenue pour assurer une bonne représentativité étudiante; et

ATTENDU qu'il est nécessaire que les candidats comprennent mieux au préalable les exigences des postes pour lesquels ils se présentent et que les électeurs aient différents moyens d'apprendre à connaître les candidats; et

ATTENDU qu'une procédure adéquate doit être mise en place afin de régler les problèmes de gestion que connaît l'AÉD en cas de désistement;

IL EST RÉSOLU que le Conseil de l'AÉD adopte les amendements aux règlements suivants;

ET IL EST RÉSOLU que tous les amendements à la Constitution seront soumis à un référendum suite à leur adoption au Conseil de l'AÉD.

WHEREAS student elections at the Faculty of Law have been problematic for many years; and

WHEREAS electoral rules are amended every year and that it is necessary that some stability of the process be obtained to ensure good student representation; and

WHEREAS it is necessary that candidates understand better the responsibilities inherent to the positions for which they are presenting themselves and that voters have better means to learn about the candidates; and

WHEREAS it is necessary that the LSA dispose of an adequate procedure in case of resignation;

BE IT RESOLVED that LSA Council adopt the following amendments to the By-Laws;

AND BE IT FURTHER RESOLVED that all the changes to the Constitution will be submitted to referendum following their adoption at LSA Council.

LSA CONSTITUTION

39. If the office of a member of the LSA Council becomes vacant, the runner up for that position in the latest election, provided that he or she obtained at least twenty-five percent (25%) of the votes, shall fill the vacancy subject to approval. In the event that there is no runner up or if this person refuses the position, or if he or she has not obtained at least twenty-five percent (25%) of the votes, the LSA Council shall make a general call for applications and appoint a person subject to approval.

The Chief Returning Officer shall initiate a yes/no approval vote as soon as it is practicable. If the person is not approved in the yes/no approval vote, the Chief Returning Officer shall initiate a by-election to fill the vacancy.

PART XIV: REFERENDA

s.59 A referendum may be initiated by a resolution of LSA Council, or by a petition signed by at least twenty percent (20%) of the members of the LSA.

60. With respect to referenda, the CRO shall have the following duties and powers:

- a. call a referendum in accordance with the Constitution;
- b. set the dates for campaigning and voting of referenda; and
- c. ensure the clarity of all referendum questions and the authenticity of the signatures in a member-organized referendum.

61. (1) A public notice stipulating the referendum question shall be posted at least five (5) academic days in advance of a referendum and shall include the time, date, and place to vote on the referendum question.

(2) Online voting shall be adopted at the discretion of the Chief Returning Officer in consultation with LSA President.

62. (1) Approval of a referendum question shall require a simple majority voting in a referendum in which at least ten per cent (10%) of the members of the LSA must vote, with a simple majority voting in favour unless otherwise provided for in the Constitution.

63. The results of a referendum are binding and take precedence over decisions of the LSA Executive or LSA Council.

PART XV: ELECTIONS

64. The President, the Vice-President Academic, Vice-President Administration Vice-President Clubs and Services, Vice-President External, Vice-President Finance, Vice-Presidents Internal, Vice-President Public Relations and the Student Members (at Large) of Faculty Council shall be elected by all eligible LSA members.

65. The Class Presidents shall be elected exclusively by the constituency that they represent. The Class Presidents shall be members of the constituencies they represent.

66. To be valid, an election requires at least ten percent (10%) of eligible voters to exercise their franchise.

67. In the event that the minimum number of voters does not exercise their voting right, a re-election shall take place within five (5) academic days of the initial election date.

68. In elections for the LSA Executive, a preferential ballot system as permitted by the online voting software shall be used. In the occurrence that an online preferential ballot system is not available, each voter shall be awarded one vote and the winning candidate shall be the one with the most votes.

69. In elections for Class Presidents and Student Members (at Large) of Faculty Council, eligible voters may cast as many votes as there are contested positions. The winning candidates shall be the ones with the most votes.

70. In the event of a tie, a second election will take place within five (5) academic days of the initial election date involving only those candidates who tied with the most votes.

71. (1) Elections for the First Year Class Presidents and the Student Members (at Large) of Faculty Council shall take place in the Fall Term no later than September 20th.

(2) Elections for all other positions shall take place in the Winter Term no earlier than February 14 and no later than the last day of classes.

72. Online voting as governed by the By-Laws shall be made available to voters as long as it respects principles of democracy and fairness.

73. The Chief Returning Officer and the Deputy Returning Officer shall not vote in any election of the LSA. Neither the Chief Returning Officer nor the Deputy Returning Officer shall be candidates in any election of the LSA for the term of their office.

BY-LAW 11

By-Law 11: RULES FOR ELECTIONS AND REFERENDA OF THE LSA

76. Any decisions to be made concerning all aspects of elections and referendum, including nominations, campaigning and balloting, will be deemed to be within the exclusive jurisdiction of the Chief Returning Officer, except where otherwise provided in these rules and regulations and in the Constitution and By-Laws of the LSA.

77. Nomination Rules:

a. the Chief Returning Officer will **announce by mass emails and in any other way deemed appropriate** post at an appropriate time, giving sufficient notice of at least two weeks to all students, a list of all positions open to nomination and election;

b. the Chief Returning Officer will post a time for the opening and closing of nominations, and these dates and times will be determined by the CRO in consultation with the LSA President;

c. nomination papers submitted after 17h00 of the closing date of nominations will not be accepted;

- d. all nominations must contain the words, "We, the undersigned, nominate _____, for the position of _____, for the ____ academic year"
- e. all nominations must contain the words, 'I, the undersigned candidate, acknowledge that I have read the LSA bylaws which describe the responsibilities of the position for which I seek election.'
- f. the Chief Returning Officer will determine the eligibility of candidates pursuant to the Constitution and By-Laws;
- g. with respect to the election of Class Presidents, all nominations must be signed by ten (10) students eligible to vote. Only members of the same class as the candidate may vote for that candidate;
- h. with respect to the election of all LSA Council members (except Class Presidents), all nominations must be signed by twenty (20) students eligible to vote;
- i. with respect to the election of the LSA executive; before submitting their nomination forms, candidates shall meet with the outgoing executive member of the position for which they seek election. The executive member must make best efforts to accommodate candidates who cannot be present at the office hours during the nomination period. The candidate must inform the CRO of the occurrence of this meeting and the CRO must confirm with the outgoing executive member that such a meeting occurred.**
- j. nominations must be submitted to the Chief Returning Officer in conformity with these regulations. Delivery to a person and/or place designated by the Chief Returning Officer will constitute delivery to the Chief Returning Officer;
- k. the Chief Returning Officer will validate the nominations and publicize them by mass emails and any other way deemed appropriate** twelve hours after the closing of nominations;
- l. if at the close of nominations, any position is such that it would result in a vacancy or an acclamation, the Chief Returning Officer will re-open nominations for that position for two academic days; and

m. the Chief Returning Officer will organise and promote an information meeting for all candidates before the start of the election campaign period. The purpose of this meeting will be to inform candidates about electoral regulations and of important times and dates. All candidates and referenda committee chairs absent from this meeting will be deemed to be in full knowledge of the information communicated at this meeting.

78. Campaign Rules:

a. campaigning will not begin before the close of nominations. The campaign period will last for three days. Campaigning will cease at 23h00 of the day before voting begins. At this time, all posters, notices and signs pertaining to the campaign must be removed from the Faculty;

b. candidates will conduct a fair campaign that respects their opponents. This includes, but is not limited to, refraining from interfering with the distribution of campaign material and engaging in slanderous campaigning;

c. campaigning will only be carried out by the members of the LSA;

d. candidates will be deemed responsible for the actions of all supporters;

e. candidates are limited to a maximum of five (5) posters in campaigning. The placing of these notices and signs must conform to the general rules of McGill University concerning the placing of such materials on Faculty premises. **No other physical material distributed in the course of the campaign is allowed;**

f. the Chief Returning Officer has the authority to remove all campaign materials where the Chief Returning Officer believes the materials to be inappropriate;

g. the Chief Returning Officer has the discretion to disqualify, publicly censure, or otherwise sanction a candidate for serious infractions of the electoral By-Laws. Before a candidate is sanctioned the Chief Returning Officer must warn that candidate to cease the infraction. Disqualification of a candidate is a last resort and must only occur after all other measures have been exhausted;

h. disciplinary decisions of the Chief Returning Officer may be appealed to the Judicial Board as per section 58 of the LSA Constitution. The Chief Returning Officer must make this known at the information meeting for the candidates described in section 77.1 of these By-Laws. The appeal must be filed within 48 hours of the decision as per section 81. 3 of these By-Laws;

- i. Subject to subsection (j), candidates may not use the Internet or any other electronic means, **including mass emails**, for the purposes of campaigning;
- j. Notwithstanding subsection (i), the Chief Returning Officer shall create and administer one or more publicly accessible online group(s), on the platform or platforms of the Chief Returning Officer's choice, that will serve as a public forum for election in which the candidates may participate;
- k. Notwithstanding subsection (i), candidates shall send a blurb to the CRO to be uploaded on the LSA online platform in time for the beginning of the campaigning period. The CRO will have discretion as to the format and whether it should be sent by mass email.**
- l. candidates may not form slates but may endorse one another. Similarly, candidates are prohibited from promoting one another on their posters as described in 78.e;
- m. candidates may make class announcements to promote their candidacy, for a maximum of one minutes with the authorization of the class instructor;
- n. candidates shall not show videos to promote their candidacy;
- o. The CRO shall organize a public forum at the Faculty during one universal break of the campaigning period. Candidates will be allowed to set up booths and/or debate in the form deemed appropriate by the CRO; and**
- p. forms of campaigning other than those expressly permitted in section 78 of these By-Laws are prohibited unless they are explicitly approved by the Chief Returning Officer.

78.1 Referenda Campaign Rules:

- a. Upon announcement of a referendum as per section 61 of the LSA Constitution, the CRO shall call upon the LSA membership for referenda committee chairs of a "Yes" and "No" campaign. If any student comes forward to create a campaign within five (5) academic days, three (3) additional academic days will be added before the vote for the purpose of campaigning.**

b. the Chief Returning Officer will organize and promote an information session for the referenda committee chairs as per section 77.1 of these By-Laws

c. the organizers and participants of the “Yes” and “No” campaigns are subject to the same electoral rules as provided in section 78 of these By-Laws.

79. Balloting Rules:

a. after the closing date of nominations, the names of all candidates duly nominated will be put on the ballot in alphabetical order by last name.

80. Voting Rules:

a. the time and method for voting will be widely published, sufficiently in advance of the election, by the Chief Returning Officer through a variety of mechanisms including, but not limited to: mass emails, posters, articles in the Quid Novi, and class announcements;

b. in the event the Online Voting System is not functional or an eligible elector does not have access to the Online Voting System, paper ballots will be made available to them;

c. paper ballot polls are to operate for 3 days; and

d. all ballots shall be bilingual.

81. Recounts and Protests:

a. the Chief Returning Officer will retain the ballots in a sealed container for five (5) days after the results of the election are announced;

b. if the margin of victory is less than five percent (10%) of the total votes cast for any office, there will be an automatic recount for the office;

c. all protests concerning any elections or referenda will be served to the Chief Returning Officer within twenty-four (24) hours after the closing of the polls;

d. any candidate in an election of the LSA or any voter having an interest in the outcome of a referendum of the LSA who is not satisfied with the counting procedures of the vote may request a recount by the Chief Returning Officer. Upon the request being granted at the Chief Returning Officer's discretion, the recount will take place immediately, or at a mutually convenient time, in

the presence of the unsatisfied nominee, the Chief Returning Officer and any other interested party; and

e. applications for review of a decision of the Chief Returning Officer must be received by the Judicial Board within forty-eight (48) hours of the decision.

81.1 Duties of the Chief Returning Officer During Elections :

a. during elections and referenda the Chief Returning Officer must maintain an active presence on campus, diligently monitor the campaigns, and be available to members of the McGill Community in the case of electoral grievances or disputes.