Charter for Referenda

Last amended on 14 February 2021 by the Board of Directors
Current to 16 February 2021

Charter for Referenda of the University of Toronto Students’ Union

The University of Toronto Students' Union (UTSU) is a not-for-profit organization incorporated under the Canada Not-for-profit Corporations Act (CNCA). The UTSU functions autonomously from the University of Toronto, and acts as the primary student government for over 38,000 undergraduate students at the University of Toronto’s St. George Campus.

You can learn more about how the UTSU operates at utsu.ca/governance
Notes for Accessibility

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These Notes are not part of the Charter for Referenda.
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Principle

1. In addition to Annual and General Meetings, the Members of the Union may vote on resolutions concerning the business of the Union by means of a referendum.

2. Referenda should be conducted with the intention to improve the distribution of services by the Union, Recognized Campus Groups and/or external organizations.

3. Failure to adhere to this Charter and its provisions shall invalidate the results of a referendum.

4. Where this Charter is in contradiction of any of the following Union governance documents or silent regarding process, in order of precedence, the Union bylaws, the Elections Procedure Code and the Policy Book Manual shall prevail.
Article I - Interpretation

1. Definitions

The Chief Returning Officer and the Elections and Referenda Committee make all interpretations of this Charter. For the purpose of this Charter:

**Advocating Committee** refers to any party, having registered with the CRO, authorized to promote the "yes" or "no" answer to a referendum question and the individual members of said party.

**Arm’s-Length Party** refers to any individual or group who is not a "Non-Arm’s-Length Party".

**Board of Directors** refers to the Board of Directors of the Union.

**Building on Campus** refers to the building owned and/or operated by the University of Toronto, or any of the federated colleges or universities.

**Campaign Material** refers to any item, design, sound, symbol or mark that is created or copied in any form in order to influence or likely to influence at least one voter to cast a ballot in favour or in opposition of a referendum question.

**Campaign Period** refers to the period of time during the referendum schedule set by the ERC during which Campaigning is authorized.

**Campaigning** refers to any attempt by an individual, committee or organization to encourage a Member to cast a ballot in favour or in opposition of a referendum question. This may occur with or without campaign material.

**Campus Newspaper** refers to a student publication with distribution across both the St. George and UTM campuses.

**Constituency** shall refer to the population of voters that are eligible to cast a vote for the referendum in question.

**CRO** refers to the Chief Returning Officer.

**Endorsing/Endorsement** refers to supporting a referendum position, through either verbal or non-verbal communication, through the provision of materials, advertisements or non-financial donations.

**EPC** refers to the Elections Procedure Code of the Union.

**ERC** refers to the Elections and Referenda Committee.

**External Groups** refers to organizations that are not a Recognized Campus Group by the Union.

**Fall Election** has the meaning ascribed to it in the EPC.
Harassment means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known as unwelcome.

Library refers to the space beyond a theft detection device in a University of Toronto library.

Member shall refer to any individual who is a current member of the Union as defined in the Union Bylaws.

Non-Arm’s Length Party means an individual or group that can be shown to have engaged in one or more of the following:

a. Publicly campaigned with a Candidate
b. Campaigned using an Advocating Committee's approved Campaign Materials
c. Performed Campaign-related tasks that are not Campaigning on behalf of an Advocating Committee
d. Had their actions which are deemed in violation of the Charter publicly defended by an Advocating Committee or the chief agent of an Advocating Committee

This does not apply if the Advocating Committee has publicly stated that they do not desire or condone the party performing such tasks or acting in such a manner.

Polling Station means any Union sanctioned ballot box or any electronic device that may be used to log into the online voting platform used during the Voting Period.

Poster shall refer to print media to be affixed to a surface, or displayed for viewing.

Public Domain means any place to which Members have a right of access.

Social Media means websites and applications that enable users to create and share content or to participate in social networking.

Spoiled Vote means any ballot cast where only one or no poll clerks initialed the ballot; where too many responses were selected on the ballot; where no voter intent was indicated, or where voter intent is not clear.

Sponsoring/Sponsorship means a financial contribution made for the purpose of supporting an advocating committee's campaign.

Spring Election has the meaning ascribed to it in the EPC.

Student Society shall refer to any student groups on campus that collect a compulsory student fee.

Union shall refer to the University of Toronto Students’ Union.

UTM shall refer to the University of Toronto Mississauga campus.
Valid Identification refers to a valid University of Toronto Student Identification card.

Valid Vote means any ballot cast that is not a Spoiled Vote.

Votes Cast shall refer to the total number of Valid Votes and the total number of Spoiled Votes.

Voting Period refers to the period of time during the referendum schedule set by the ERC where Members may cast their vote(s) in a referendum.

2. Interpretation

In this Code, unless a contrary intention appears:

a. Words importing the singular will include the plural and vice versa.

b. All capitalized terms found herein but not defined have the meaning ascribed to them in the University of Toronto Students' Union Bylaws.

c. Regulations and rulings applying to Advocating Committees are deemed to apply to their Non-Arm's-Length Parties.
Article II - Requirements for Referenda Questions

1. Question

a. Any proposed question must be positively worded, so that a vote of “yes” signifies agreement with the initiative proposed, and a vote of “no” signifies disagreement with it.

b. After receiving a petition for a referendum, the ERC shall convene to review the petition and question conforms to the policy set forth in this Charter.

c. Questions falling under Section 10. Requirements for Referenda: Schedule A shall first receive assent from the ERC before authorization from the Board of Directors.

i. Within ten business days after convening the meeting, and prior to the next Board of Directors meeting, the ERC must file a report to the Board whether the petition complies with the Charter and was compiled in a fair and reasonable manner.

d. Upon receiving a report from the ERC, approving a petition received by the UTSU, the Board shall authorize the referendum to be conducted as provided herein.

2. Petition

a. Petitions should be collected according to the guidelines set out in Requirements of Referenda: Schedule B, C and D.

b. Prior to collecting petitions, the format must be approved by the ERC and the party seeking petitions must have registered with the ERC.

c. Completed petitions must be submitted with three (3) weeks’ notice prior to the commencement of the campaign period.

d. For a petition to be valid it must include the following:

i. Union Member name as it appears on ACORN.

ii. Student Number

iii. Date of Birth

iv. Signature

v. Other requirements as specified by the ERC

e. Each page of petitions must include the following:
i. The purpose of the petition.

ii. The referendum question(s).

iii. Other requirements as specified by the ERC.

f. The completeness, accuracy and delivery of the petitions is the responsibility of the party seeking to pose the referendum question to the Members. Failure to satisfy the requirements stated above may result in failure for approval to conduct the referendum.

3. Notice

a. The Board of Directors of the Union shall give no less than fourteen (14) calendar days’ notice of a referendum prior to the commencement of the Campaign Period.

b. Sufficient notice shall be determined as being the same notice used by the UTSU to announce and advertise its elections. All communications regarding the UTSU elections must also include information about all referenda.

c. For referenda under Schedules B, C and D to be considered, the question(s) must be submitted to the ERC in the Fall semester by 15 September and in the Winter semester by 15 January.
Article III - Rules for Referenda Campaigns

1. Advocating Committees

a. An Advocating Committee is the registered individual or group responsible for promoting a response to a referendum question. There shall be a minimum of one (1) Advocating Committee, and a maximum of (2) Advocating Committees.

i. A "yes" Advocacy Committee shall, at minimum, consist of the individual (or group, in the case of Recognized Campus Groups seeking a referendum on behalf of their own organization) that presented the question and petition to the ERC for a referendum, and shall be tasked with promoting the affirmative side of a referendum question.

ii. A "no" Advocacy Committee may be formed by an individual or group that wishes to promote the negative side of a referendum question.

b. Advocacy Committees shall be bound by the rules governing referenda campaigns in this Charter, and any applicable rules in the Elections Procedure Code.

c. Advocacy Committees shall have their campaign expenses reimbursed in accordance with this Charter.

d. The Advocating Committee shall appoint, from among its members, a Chief Agent, who shall be the Advocating Committee's primary liaison and contact with the CRO and the ERC.

e. Notwithstanding the prohibition on unauthorized campaigners, at least three-quarters (3/4) of the members of an Advocating Committee must be members of the Union. In the case of a Schedule A referendum, the Advocating Committee for the proposition shall be composed of four (4) members of the Executive Committee and no more than three (3) other members of the Union.

f. An Advocating Committee must register with the Chair of the ERC and the CRO and submit:

i. The full name of the Advocating Committee.

ii. The name, address and telephone number of the Chief Agent of the committee.

iii. The names, addresses, telephone number and title of each member of the committee.

g. No Advocating Committee shall invest resources in any aspect of a particular referendum more than the limit allowed by the ERC.
h. Membership of an Advocating Committee will be public information and posted on the Union’s website.

i. No registered Advocating Committee shall advertise in any medium, or post or distribute any material, unless the advertisement or other material identifies the Advocating Committee.

j. During the referendum period, the ERC shall, at its discretion, arrange public forums for the Advocating Committees to make oral presentation to the membership, whether in a form of debate or “Question and Answer” session. Such a session shall be mandatory if both Advocating Committees have registered and are considered active.

2. Campaigning

   a. Pre Campaigning

   No Campaigning shall take place before the Campaign Period. This includes, but is not limited to, posting or distributing Campaign Materials, online Campaigning, social media statements, classroom campaign talks and Campaigning at social events.

   b. Responsibility of Advocating Committee

   Advocating Committees are responsible for actions and violations of any Non-Arm’s Length Party. The CRO reserves the right to investigate and make rulings in exceptional cases.

   c. Fair Play

   Candidates shall campaign in accordance with the rules of Fair Play. Breaking the rules of fair play includes, but is not limited to any of the following, and shall be considered more severe if based on any of the Grounds of Discrimination as defined in the Ontario Human Rights Code:

   i. Breaching generally accepted community standards, defined as campaign-related content, actions, or communications that:

      1. Is sexually explicit or pornographic, exploits or presents minors in a sexual way, or promotes adult sexual services. This does not include nudity, especially in the context of age, race, ethnic origin, disability, gender identity, gender expression, sex, or sexual orientation.

      2. Creates a genuine risk of physical injury or property damage, credibly threatens people or public safety, or organizes or encourages harm. This does not include participation in legal protests.
4. Attacks, bullies or harasses nonpublic people.
5. Includes hate speech.
6. Is gratuitously violent or gory.
7. Infringes anyone's intellectual property, privacy or other rights.
8. Is someone else's personal information or requests a minor's personal information.
9. Represents a private person offering to trade or sell drugs, alcohol, tobacco, firearms or other hazardous materials.

ii. Defamation, including libel and slander, defined as a communication to another person which harms the reputation of another candidate or Non-Arm's-Length party, and which is not truthful, protected by absolute or qualified privilege, or fair comment.

iii. Harassment, defined as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome;

iv. Misrepresentation of Facts, defined as campaign-related content or communications that are not in accord with facts that a candidate or Non-Arm's-Length party reasonably should have known based on information readily available to all members, and that a voter could potentially rely on in deciding to cast a vote or not cast a vote for a candidate.

v. General sabotage of the campaigns of other Candidates;

vi. Malicious or intentional breach of elections policy;

vii. Persistent attempts to undermine the ability of the CRO or the ERC to carry out their responsibilities; and

viii. Any attempt to undermine the electoral process including, but not limited to, interference with or compromising the Union's Online Voting System.

d. Approval of Campaign Materials

It is the responsibility of the Advocating Committees to ensure that all Campaign tactics, materials and advertisements conform to all policies and regulations of the Union and University of Toronto, and with all municipal, provincial and federal laws. Campaign displays and distribution of literature on campus are also subject to the individual rules and regulations of residences, Libraries, Buildings on Campus and campuses. All physical campaign material
and advertisements must be approved by the CRO in advance. Materials must be processed by the CRO within twenty-four (24) hours of receipt from candidates. This does not apply to candidate statements on social media platforms.

All Campaign Materials, where feasible, are to contain the following phrase somewhere in plain sight on the material: "please pass this on to a friend and recycle after the referendum".

e. **Restrictions on Posters and Campaign Materials:**

The following restrictions regulating Campaigning must be followed. It is the responsibility of the Advocating Committees to familiarize themselves with the different rules that govern each of the following entities:

i. Poster size shall not exceed 11" x 17" (29.7cm x 42 cm).

ii. No more than three banners are allowed. Banners must not exceed 9' x 3' (2.75m x 0.92m).

iii. High-gloss Posters are not permitted.

iv. Laminated Posters are not permitted.

v. Any form of non-recyclable Poster material is not permitted.

vi. All text in other languages on Campaign Materials must have an accurate English translation that appears in equal stature and size.

1. Where Campaign Material contains text in another language, the Candidate is responsible for having the text translated and notarized in order to gain approval for dissemination.

vii. No Poster may overlap another Advocating Committee’s Poster.

viii. No Advocating Committee may post one of their Posters within one foot (30.5 cm) of another one of their own Posters.

ix. All print Campaign Materials must be removed within forty-eight (48) hours after the close of the Voting Period.

x. All web and social media pages must be removed within forty-eight (48) hours after the close of the Voting Period. For any social media pages that take more than forty-eight (48) hours to remove, Advocating Committees must submit proof of request for removal.

xi. Campaign Materials may not:

1. Overlap or be attached to Campaign Materials already affixed to other objects or surfaces.
2. Be affixed to surfaces in classrooms or seminar rooms.

3. Be removed from any posted location without the authorization of the CRO. This does not apply to Candidates removing their own material.

f. **No distribution of goods**

Advocating Committees may not Campaign by distributing goods.

g. **Prohibition of Animals**

The use of animals for Campaigning is forbidden.

h. **Website and Online Networks**

An Advocating Committee using a website or online network as a campaign tool is responsible for the moderation of all materials so that they are in accordance with the rules of Fair Play. Violations of Campaigning rules on websites or online networks by Advocating Committees or Non-Arm's-Length Parties are also subject to the penalties detailed in this section.

i. **Restricted Areas**

Areas designated for Campaigning will be subject to the following restrictions:

i. There shall be no Campaigning on Union property or using Union resources, except on the part of the "yes" committee in a Schedule A referendum, where the said committee is seeking an increase in a fee retained by the UTSU.

ii. To campaign in a classroom, an Advocating Committee must obtain permission from the lecturer before the start of class. Advocating Committees are required to inform the CRO within a reasonable time about such activities.

iii. No Campaigning where alcohol is served.

j. **Specific Restrictions on Campus**

Additional restrictions regulating Campaigning that are unique to the following, must be followed. It is the responsibility of the Candidates to familiarize themselves with the different rules that govern each of the following:

i. St. George campus;

ii. Buildings on Campus; and

iii. Student residences.
k. **Campaigning During Voting Period**

During the specified Voting Period, Campaigning is allowed with the following restrictions:

i. Campaigning and Campaign Materials are not allowed within six (6) metres of a student residence.

ii. Advocating Committees on Non-Arm's-Length Parties are not permitted to personally campaign to a student while they are voting online.

iii. Campaigning and Campaign Materials are not allowed within six (6) metres of a Library.

iv. Campaigning and Campaign Materials are not allowed within six (6) metres of a computer lab.

l. **Prohibitions on Candidate-Provided Devices**

   Advocating Committees are not permitted to provide a device to a Member for the purpose of online voting, or where it may be reasonably expected that the Member would use the device to vote online.

m. **Prohibition on collecting online voting credentials**

   Advocating Committees are prohibited from collecting any credential from Members that are used to verify a Member’s identity when they vote online.

n. **Unauthorized Campaigners**

   Only members of the Union may participate in Campaigning. This clause shall apply even to the “yes” committee in a Schedule A referendum.

3. **Campaign Expenses**

   a. Expense and reimbursement limits shall be $1000.00 CAD per Advocating Committee, with the following restrictions:

   i. No type of reimbursement shall be provided to external organizations falling under Schedule C referenda; this includes monetary and resource allocations.

   ii. All Advocating Committees must submit records of all campaign expenditures within twenty-four (72) hours of the closing of voting. Original receipts must be submitted whenever possible. Sources and amounts of campaign donations must be disclosed and will not be reimbursed. The Union reserves the right to withhold the results of any given referendum if receipts and expense records are not submitted.
iii. Where receipts are unavailable, a fair market value will be provided for the product and shall be the lowest price, without discount or special concession.

iv. In the case of a Schedule A referendum, the Advocating Committee for the proposition shall not be reimbursed. The Advocating Committee for the opposition shall be reimbursed for up to $10,000.

4. Violation of Campaign Rules

a. Schedule of Demerit Points

Demerit points and criteria for disqualification shall follow the rules set out in the Elections Procedure Code.

b. Elections and Referenda Authority

The ERC has the right to remove members from an Advocating Committee and to disqualify an Advocating Committee in its entirety.
Article IV - Voting Process

1. Quorum
   a. In the case of a referendum on the establishment, elimination, or alteration of a fee, quorum shall be 7.5% of members who pay or would pay the fee in question.
   b. In the case of a referendum on a policy question, quorum shall be 5% of all members.
   c. In the case of a referendum on the impeachment of an executive, quorum shall be the percentage of members who voted in the most recent spring elections.
   d. In the case of a referendum on the renewal of a fee held in the spring session, quorum shall be 5% of members who pay the fee in question.

2. Voting
   a. Referenda voting shall be held in conjunction with the Spring Election Period or the Fall Election Period, where possible, and shall follow all applicable clauses of the Elections Procedure Code.

3. Scrutineering
   a. Scrutineers for an Advocating Committee must register with the ERC. The scrutineers from the advocating committees can be appointed by their own committee. There is to be a maximum of two scrutineers from each of the “yes” and “no” Advocacy Committees during the Voting Period.
   b. For the counting of the paper ballot, each Advocacy Committee may register scrutineers prior to the commencement of counting. These scrutineers do not have to be the same as those for the Voting Period.

4. Master Voting List
   a. The Master Voting List must be obtained four weeks prior to the start of the voting period, if necessary to verify petitions. Otherwise, the Master Voting List must be obtained when necessary to prepare for the Voting Period.
   b. The Master Voting List shall provide the list of members eligible to vote.
Article V - Appeals of Election Results

a. Any chief agent of an Advocating Committee may challenge the validity of a referendum result in a written submission containing their reasons, submitted to the CRO no later than forty-eight (48) hours after the close of the Voting Period.

b. The CRO, on behalf of the ERC, shall investigate any appeal and make a recommendation to the Board of Directors on the appropriate action.

c. The Board of Directors may not amend the rulings of the CRO or ERC.
Article VI - Types of Referenda

1. Plebiscites

   a. Referenda questions that are put forth with the understanding that their results are to be considered non-binding upon the membership shall be termed "plebiscites". Plebiscites shall be campaigned for and voted on in the same way as referenda.

   b. The Policy on Referenda shall apply to plebiscite questions, only substituting the word "plebiscite" where "referenda" appears.

   c. Plebiscites shall be so indicated on the ballot with "Plebiscite" appearing before the specific question.

2. Schedule A - Union Referenda

   Schedule A outlines the referenda guidelines for whenever the Board of Directors of the Union wishes to determine the opinion of the membership with respect to one or more issues relating to the Union, which may or may not include issues relating to fees. To call a referendum under Schedule A, a question must be submitted to the Board of Directors from the Executive Committee. The question(s) must have received a majority vote of fifty percent plus one.

   a. The Board of Directors' approval of the question automatically places the Union in support of the question.

   b. No signatures need to be collected for Schedule A referenda.

   c. The ERC oversees the referendum once the question is determined and approved by the Board of Directors.

   d. Referenda can be held any time between the first day of the Fall session and before Fall session exams, to the first day of the Winter session and before Winter session exams.

3. Schedule B - Recognised Campus Groups

   Schedule B governs all referenda initiated by or held on the subject of a recognized campus group. The referendum question may concern the establishment, disestablishment, or alteration of a fee collected by the UTSU on behalf of a UTSU-recognized group.

   a. To call a referendum under Schedule B, a question must be submitted to the ERC with the following supporting documentation:

      i. A petition signed by no fewer than 250 members of the UTSU.
ii. The form of petition used must conform to the criteria outlined in this Charter.

iii. Completed 'Referenda Application' set out by the ERC.

iv. List of participants involved in the campaign.

b. The ERC shall decide whether to recommend the support or opposition of the question to the Board of Directors, who may adopt a "yes" or "no" stance.

c. Referenda for Schedule B can only occur in conjunction with Fall and Spring Elections.

4. Schedule C - External Organizations

Schedule C outlines the referenda policy for whenever an external organization wishes to determine the opinion of the Membership with respect to one or more issues relating to the Union. The question may or may not relate to fees.

a. To call a referendum under Schedule C, a question must be submitted to the ERC with the following supporting documentation:

i. Complete petitions from Divisions I, II and III, collecting twenty percent (20%) of the members from each of the Divisions.

ii. The form of petition used must conform to the criteria outlined in this charter.

iii. Completed 'Referenda Application' set out by the ERC.

iv. List of participants involved in the campaign.

b. The ERC shall decide whether to recommend the support or opposition of the question to the Board of Directors, who must either adopt a "yes" or "no" stance.

c. Referenda for Schedule C can only occur in conjunction with Fall and Spring Elections.

d. Referenda dealing with external organizations must respect the bylaws and rules of both the Union and the external organization.

5. Schedule D - Divisional Referenda

Schedule D outlines the referenda policy for whenever a recognized campus group or a student society wishes to determine the opinion of a Division or constituency of the membership with respect to one or more issues relating to the Union. The question may or may not relate to fees.
a. To call a referendum under Schedule D, a question must be submitted to the ERC with the following supporting documentation:
   i. Complete petitions from the Division or constituency in question, collecting five percent (5%) of the Members from said constituency or Division.
   ii. The form of petition used must conform to the criteria outlined in this charter.
   iii. Completed ‘Referenda Application’ set out by the ERC.
   iv. Materials for the campaign, ready for approval.
   v. List of participants involved in the campaign.

b. The ERC shall decide whether to recommend the support or opposition of the question to the Board of Directors, who must either adopt a "yes" or "no" stance.

c. Referenda for Schedule D can only occur in conjunction with fall and spring elections.