

Referenda and Recall Policy

X-02

LONG TITLE	A Policy Respecting Direct Democracy on Legislative Initiatives	DATE OF ENACTMENT	28 August 2022
		LAST AMENDED	28 November 2022
REFERENCE No.	X-02	NEXT REVIEW	August 2024
CATEGORY	Elections	COMPETENT CHAMBER	Council

MANDATE

This Policy shall govern the direct democracy of students-at-large at Carleton University, namely referendums respecting legislative or financial proposals, political issues, and recall elections. This Policy shall be reviewed every two years by Council.

INTERPRETATION

1 This Policy may be called the *Referenda Policy*.

2 In this Policy, the following definitions shall apply:

“answer” means any of the options which the electorate might select to answer the referendum question;

“binding” means a referendum whose results must be followed with the appropriate action from the Association;

“consultative” means a referendum whose results should, but not necessarily require the results to be followed with the appropriate action from the Association;

“Chief Returning Officer” has the same meaning as in the *Electoral Code*;

“electorate” means all students-at-large so eligible to vote in a regular election of the Association;

“elected official” means any Executive member or Councillor who has been elected to said office by the electorate or through other proper means;

“petitioner” means the individual or individuals pursuing a referendum, namely the mover of the motion at Council or Executive meetings, and/or the principal organizer of a students' initiative;

“question” or **“referendum question”** means the precise wording of the matter put to referendum;

“quorum” means the minimum turnout required in an election, here fifteen percent voter turnout, not on any specific question put to the electorate in that election

“recall” or **“recall election”** means a referendum to recall an elected official from office;

“referendum” means any direct vote by the electorate on a proposal, legislation, or political issue;

“referendum committee” means the organizers of each answer’s campaign;

“signatory” means a member of the electorate who has affirmed their support for a students’ initiative;

“students’ initiative” means a referendum initiated by students-at-large.

PROCEDURAL CONSIDERATIONS

Oversight

3 Referenda and the campaigns therein shall be overseen by the Electoral Commission in accordance with this Policy.

Electoral Code (X-01)

Proclamation of Referendum

4 (1) Every referendum shall originate from one of the following sources:

- (a) from a majority vote of Council;
- (b) from a majority vote of the Executive;
- (c) from a successful students’ initiative.

(2) Referenda originating from a majority vote of the Executive may not be recall elections, nor financial referenda, nor binding questions of any sort.

(3) A written Proclamation of Referendum shall follow the approval of a referendum.

(4) The Board may, from time to time, propose that Council proclaim a referendum, under the advice or jurisdiction exclusively given to the Board by law, that Council shall not unreasonably reject.

Categories

5 Every referendum shall fall under one of the following categories:

- (a) regular referenda, which may be:
 - (i) on the adoption of a legislative proposal, or
 - (ii) on the political position of the Association on a certain issue.
- (b) special referenda, with different rules, which may be:
 - (i) on fees and other financial decisions of the Association; or
 - (ii) on the recall of an elected official from office.

Procedure for Formulation

6 (1) Every referendum, joining approval from the proper originating authority in s. 4, shall have the wording of the referendum question approved by the Constitution and Policy Review Committee, on the advice of the petitioner(s) and with notice given to the Chief Returning Officer for brevity, neutrality, and clarity.

(2) In considering the clarity of a referendum question, Council shall consider whether the question would result in a clear expression of the will of the electorate.

(3) The question may be preceded by a brief and neutral statement on the facts of the issue.

Binding or Consultative Referenda

7 The petitioner or, overriding such, a two-thirds majority of Council may determine whether a referendum is binding or consultative, if not otherwise provided by this Policy. Whether a referendum is binding or not should be clearly reflected in the question.

REGULAR REFERENDA

Balloting and Voting

8 Every member of the electorate shall be eligible to cast one vote in a referendum.

9 (1) Whenever possible, the referendum question shall have two answers, preferably one word, representing a binary choice. Such a choice should, but need not, resemble:

- (a) "YES" and "NO"
- (b) "REMAIN" and "LEAVE"
- (c) "KEEP" and "REMOVE"

(2) A brief and neutral explanation, one sentence long, may follow each answer, with examples for ideal questions included as Schedules to this Policy.

10 (1) Where there are two potential answers, the option which receives the most votes shall be counted as the winner unless a higher threshold is set in this Policy.

(2) Financial referenda require a 15% voter turnout from students-at-large

Nested Referenda and Multiple-Option Referenda

11 (1) In complicated circumstances, multiple answers may be presented to the electorate, where the results will be tabulated by ranked-ballot/instant runoff voting.

(2) A set of two referendum questions may follow another, with the second resultant from one of the answers of the first.

Scheduling

12 (1) A referendum shall be held on the same date as an October midterm or February general election.

(2) If the referendum cannot be held concurrently with a regularly-scheduled election, the referendum shall be held not more than thirty days after the petitioner has met the threshold to hold a referendum under this Policy.

(3) A recall election shall be held not more than forty-five days after the petitioner has met this threshold, if Council should decide to hold a concurrent by-election.

(4) Every referendum must be proclaimed before the 31st of December of each term.

Campaigning

13 There shall be only one official Committee for every answer to the referendum question that shall represent the campaign for that answer.

14 The Chief Returning Officer shall announce the date and time of the first meetings of each referendum committee through campus media and any other means necessary.

15 All campaigning must be consistent with the *Electoral Code*, except where otherwise provided in this Policy.

Referendum Committees

16 All members of referendum committees must be members of the Association, and all those wishing to be members of referendum committees must submit their names to the Chief Returning Officer to be recorded.

17 (1) The officers of referendum committees shall be elected by the members of the respective committee, which shall include at minimum:

- (a) a Chair or two Co-Chairs; and
- (b) a Secretary.

(2) The applicable committee chair for questions dealing with a CUSA-based levy may be the respective manager of the group or division that would receive the levy, even if they are not a member of the Association.

(3) The applicable committee chair for recall elections shall be elected official in question, unless so decided by the committee.

Referendum Committee Funding and Expenditure

18 (1) Every referendum committee may spend up to \$500.00, adjusted for inflation from the year 2022, for use in their campaign.

(2) All financial projections shall be presented by the Chief Returning Officer to Council.

19 The Chief Returning Officer may reimburse each campaign up to the full amount of their legal expense.

FINANCIAL REFERENDA

20 Referenda on fee adjustment shall follow all the rules for regular referenda except where otherwise provided in the subsequent sections.

20.1 Sections 21–22 shall be subject to whatever Fees and Services agreement that shall be reached between the Association and the University, and ratified by Council.

21 (1) Referenda on fees shall constitute the Association's position on the favourability of those fees, and the Association is required to request the Carleton Board of Governors or to alter the level of fees collected to reflect the successful answer to the referendum.

(2) It is recognized that these fees are not wholly in the control of the Association, and as such, all referenda on fees should be binding, in order to bind the Association by the results, even if they are not binding on external organizations like Carleton University.

22 (1) Referenda on fees shall occur wherever provided by the *Fees Policy*¹, namely:

- (a) for increases to student fees above cost-of-living adjustments, excepting the Unicentre fee and Health or Dental insurance fees;
- (b) for new student fees;
- (c) for the elimination of a certain fee;
- (d) for decreases to student fees, if so requested by a majority of Council.

(2) Non-CUSA ancillary fees shall, at the discretion of Council, include a limited period of effect and implementation, where made clear in the referenda question.

(3) Non-CUSA ancillary fees shall, at the discretion of Council, include a means for a reasonably accessible opt-out or refund process, facilitated by the ancillary fee group.

23 (1) Repealed.

(2) Repealed.

28 November 2022.

RECALL ELECTIONS

24 Recall elections shall follow all the rules for regular referenda except where otherwise provided in the subsequent sections.

From Motions of Council

25 (1) Recall elections originating from a motion of Council require a 2/3 majority, where the official facing recall does not contribute to quorum.

(2) A proclamation of a recall election from Council shall be considered a conditional removal of an elected official from office, subject to the results of the recall election.

From Students' Initiatives

26 A Students' Initiative seeking recall of an elected member shall be termed a Petition to Recall, and it shall follow all the rules for Students' Initiatives except where otherwise provided in the subsequent sections. Should a referendum originating from a Petition to Recall be successful, Council shall, on good legal advice, ratify the results of the election at the next regular meeting.

27 (1) Recall elections originating from a Petition to Recall require signatures equalling more than 12% of all voters in the election where the official being recalled was elected.

(2) Recall elections for elected officials who were acclaimed shall require signatures greater than 12% of voters in that election, or 99 signatures, whichever is less.

¹ Not currently extant.

(3) Notwithstanding subsection (2), recall elections for Vice Presidents shall require signatures equalling all the individuals eligible to vote for Vice President at the time of their election.

28 In addition to the regular requirements for signatories, signatories of a petition of recall must be eligible voters for the office of the official to be recalled, excepting Vice Presidents.

Limitations

29 (1) If an elected official wins their recall election, no other recall election may be held in their term.

20 August 2010.

(2) Respecting the above, a petition or motion that fails to pass does not count as a recall election won by the elected official.

Balloting and Voting

30 Questions for recall elections shall follow the following format, without contextual preamble:

(a) Do you agree that [Official Name] be recalled (removed) from the office of [Title]?

31 Answers for recall elections shall be only "YES" and "NO".

32 Should a recall election be successful, the official shall be removed from office and shall, if applicable, resign any fiduciary office so held in the Association.

Multiple Recall Elections

33 When multiple elected officials are being considered for recall, the Recall Election shall be scheduled to allow all recall elections to be put to the electorate at once.

Concurrent By-elections

34 If so prescribed by Council, and if sensible for the circumstances and timing of the recall election, a by-election may be held as a second referendum question in the same referendum.

35 Such a by-election shall follow all the rules for a by-election.

36 Questions for recall elections shall follow the following format, without contextual preamble but with a brief explanation on ranked-ballot voting, if applicable:

(a) If [nominative pronoun, e.g. 'they'] are/is recalled, who should replace [Official Name] as [Office Title]? Rank in ascending order starting with 1 (most favoured).

37 If multiple elected officials face a recall election at once, the concurrent by-election shall be put in effect only for those officials who lose their recall election.

s. 32

38 Even if the by-election is not put into effect, the results shall be nonetheless tabulated and released to the public.

Exceptions

39 Unlike Impeachment, a recall election requires no cause for initiation, but neither precludes the other from being initiated.

Executive Policy (G-02), ss. 58, 59

40 Directors may not be recalled but may be dismissed by a simple majority of Council.

Bylaws s. 1.4

41 No recall election may take place in the last two months of an elected official's term, but the official shall, if there are two months or less remaining in their term, resign their position following:

- (a) a three-quarters vote of Council; or
- (b) a Students' Initiative with more signatories than elected the official into office.

STUDENTS' INITIATIVES

42 (1) Students' Initiatives shall follow all the rules for regular referenda except where otherwise provided in the subsequent sections.

(2) Students' Initiatives that are also Financial Referenda or Recall Elections shall follow the rules for both.

Formation and Procedure

43 (1) Any student-at-large may become the principal petitioner upon applying to the Chief Returning Officer, the Speaker of Council, and the Vice President Internal, their intent to collect signatures in support of holding a referendum on any given question.

(2) The exact wording of the referendum question is not necessary to apply for signature collection, merely the general purpose.

44 The Speaker of Council shall announce all applications for students' initiatives at the next Council meeting, and notice shall be given on the social media accounts and website of the Association.

45 No application shall be dismissed unless the proposal for a referendum offends basic human rights or the fundamental democratic principles of this Association.

(1) After the public announcement and approval are made, the principal petitioner and individuals authorized on their behalf may collect signatures for the students' initiative through a secure process reviewed by the Chief Returning Officer, for instance, a secure online form, owned by the petitioner, hosted on the CUSA website, where the Chief Returning Officer has viewer access.

(2) It shall be an electoral offence to collect signatures before approval.

46 All students-at-large submitting their information through this form must agree to send the Association their name, faculty, and student number for verification purposes.

Signatories

47 Every Students' Initiative requires the signatures of 250 members of the electorate, excepting Students' Initiatives to raise student fees, which require 1000.

48 No one shall be a signatory who would not be an eligible member of the electorate for the referendum question.

SCHEDULE OF AMENDMENTS

DATE AMENDED	MOVED	SECONDED	SUMMARY
Time Immemorial	N/A	N/A	Formerly <i>Bylaw II (Executive)</i>
20 August 2012(?)			Double jeopardy: may be petitioned for recall only once.
28 August 2022 (referred to Committee)	D. Caratao (F. Lepore)	R. Gill	New Policy adopted, subject to Fees and Services Agreement with the University. Revamped Recall process, included new options for non-binding, financial, nested-questions and multiple-option referenda.
26 September 2022	F. Lepore	J. Vecchio	Deference to Fees & Services Agreement and update of Chief Electoral Officer to Chief Returning Officer
28 November 2022	F. Lepore	J. Vecchio	Repeal of CFS referendum special provisions

Schedule I — Sample Regular Referenda

X-02-I

AUTHORITY	Council	AUTHORIZED
		LAST AMENDED

1 (1) The following is a sample referendum question.

*On January 16, 2023, CUSA Council approved a Constitutional Amendment to require Executives to hold a Boating Licence. **Do you agree that CUSA should adopt this Constitutional Amendment? This is a binding referendum.***

(2) The following are the sample answers.

- YES**, I agree that this Amendment should be adopted.
- NO**, I do not agree that this Amendment should be adopted.

2 (1) The following is a sample second referendum question, if nested as per s. 11(2).

If adopted, which executives should the Constitutional Amendment apply to? This is NOT a binding referendum.

(2) The following are the sample answers.

- ONLY THE PRESIDENT** must have a Boating Licence.
- ALL EXECUTIVES** must have a Boating Licence.

3 (1) The following is a sample referendum question, if with multiple options as per s. 11(1).

Where should the CUSA Office Be Relocated? This is a binding referendum.

(2) The following are the sample answers.

- NO CHANGE**, the CUSA Office will remain in University Centre.
- RICHCRAFT HALL**, the CUSA Office will be relocated to Richcraft Hall.
- LOEB BUILDING**, the CUSA Office will be relocated to the Loeb Building.

Schedule II — Sample Referendum on Fees

X-02-I

AUTHORITY	Council	AUTHORIZED
		LAST AMENDED

SCHEDULE II - Sample Referendum on Fees

1(1) The following is a sample referendum question regarding fees (note, numbers are examples only).

*The XYZ Centre currently receives \$8.00 per student yearly. **Do you agree that the current fee should be increased by \$2.00?***

- (2)** The following are the sample answers.
- YES**, I agree that this Fee should be increased.
 - NO**, I do not agree that this Fee should be increased.

SCHEDULE III - Sample Recall Election

1(1) The following is a sample recall election question.

Do you agree that Aaron Tadavic should be recalled (removed) from the office of Public Affairs Councillor?

- (2)** The following are the sample answers.
- YES**, he should be recalled.
 - NO**, he should **not** be recalled.

1(1) The following is the subsequent sample recall election question, if candidates for the subsequent election should be filled at the same time as per s. XX.

If he is recalled, who should replace Aaron Tadavic as Public Affairs Councillor?
*Rank in ascending order starting with **1 (most favoured)**.*

- (2)** The following are the sample answers.
- Marina MAREEJ**

- Terrence "Tag" MAGNET
- Mihm SHAHADA
- Maia S. SLIM