

# By-law (8): Referenda

*This By-law sets out the process for conducting a cross-campus vote to determine the views of members on an issue of Union Policy. It explains how often Referenda must take place, how to hold an Extraordinary Referendum and the process for submitting, amending and campaigning on a Referendum motion.*

## Frequency

1. There shall be at least two opportunities for Referenda discussion per academic year in accordance with the Constitution.

## Rules & Regulations

2. Policy & Review Group, and the relevant staff member, shall ensure that there is information available to the membership regarding the Referenda process; outlining how a member may submit an Idea, in line with By-law [CREATING POLICY] and the process by which it may get to the Referendum stage, and then become Active Policy through Referendum.

## General Provisions

3. The Policy Coordinator shall publish the details of forthcoming Ordinary Referenda as far in advance as possible, no less than 5 working days prior to the start of campaigning. These should include the dates and times of motions being published, the date of the Campaign Briefing and Referendum Debate, and when polling will be open.
4. The Returning Officer appointed and defined in accordance with By-law [ELECTIONS] shall be responsible for the conduct of all matters regarding referenda.
5. The Returning Officer may delegate any responsibilities they deem necessary to the Deputy Returning Officer but shall retain overall responsibility.

## Ordinary Referenda

6. Policy Motions will be referred to Ordinary Referendum where appropriate as outlined in By-law [CREATING POLICY];

## Timetable for Ordinary Referenda

7. An Ordinary Referendum shall be arranged according to the following timetable
  - Policy & Review Group meet to agree upon Policy Motions to be referred to Referendum; Referendum Motions are published with the most mutually agreeable wording from the **CONSULT** stage of the Policy Process;
  - **In the week prior to voting**, the Referendum Motion, Briefing and Debate shall be announced to the student body; with information about how to take part.
  - **As early as possible prior to the opening of campaigning:** Campaigners' Briefing is held at which those wishing to coordinate and/or join a campaign team are informed of the rules of campaigning, in line with the rest of this By-law, and campaigning can begin once campaigners have been briefed;
  - **Prior to the opening of voting:** Referendum Debate is held;
8. The above process should be conducted with a view to maximising engagement from members

## Extraordinary Referenda

9. An Extraordinary Referendum may only be called by the Officer Group for a time sensitive issue, where a resolution must be found within a set period that is not possible under the Ordinary Referendum schedule.
10. An Extraordinary Referendum shall be convened at the request of the membership in accordance with Clause 19 of the Constitution.
11. An Extraordinary Referendum vote will be conducted not less than five working days and not more than ten working days following the completion of a legitimate Petition.
12. The motion should be published no less than three working days before polling opens.
13. There shall not be formal campaign coordinators for an Extraordinary Referendum but where possible a Referendum Debate Meeting should be held for members' to put forward their views on both sides of the Extraordinary Referendum question.
14. The business of an Extraordinary Referendum and any Referendum Debate Meeting shall be restricted to the motion for which the referendum was called.
15. Motions for Extraordinary Referendum can be withdrawn only by the person proposing the motion unless they are being withdrawn on specific legal advice or by

resolution of the Board of Trustees, in which case the Full-Time Officer Committee may withdraw the motion.

16. No amendments shall be allowed to motions in Extraordinary Referendum.

### **Content of Referendum Motions**

17. Content of motions may be amended by the Returning Officer or their nominee prior to Referendum voting on the grounds of legality or unproven factual accuracy. Such an enforced amendment may be made at any time.

### **Referendum Debates**

18. Each Referendum Motion shall be debated in an open Referendum Debate;

19. A Referendum Debate shall be convened by Policy & Review Group and chaired by the Policy Coordinator.

20. The meeting shall be conducted in line with the standing orders for Members' Meetings outlined in By-law [CONDUCT OF MEETINGS].

21. There shall normally be at least two pre-arranged speeches in favour and two against each motion, with further rounds if there are still members wishing to speak;

21.1. The debate can be balanced and brought to a close by a vote of the members present in accordance with guidance in By-law [CONDUCT OF MEETINGS].

22. The campaign coordinators for either side of the Referendum Motion shall be responsible for selecting their pre-arranged speakers.

23. There shall be provision for questions to members of either side, as well as the possibility for speakers on either side to ask questions of each other at the discretion of the chair.

24. There shall also be provision for at least two open contributions from members present, which need not be phrased as a question and shall not be addressed to either of the sides of the debate directly.

### **Referendum Campaigning**

25. The proposer of a motion shall be the leader of the Yes Campaign for that motion, and

may delegate leadership to another member at any time in writing to the Returning Officer. The delegated leader must confirm that they wish to be the leader of the Yes Campaign in writing to the Returning Officer.

26. The first member to nominate themselves for leader of the No Campaign shall be appointed, and may delegate leadership to another member at any time in writing to the Returning Officer. The delegated leader must confirm that they wish to be the leader of the No Campaign in writing to the Returning Officer.
27. Members of the Union who wish to take part in campaigning for either side of the Referendum question should contact the Campaign Coordinator for the relevant side, or may become Campaign Coordinator if one has not already been nominated;
  - 27.1. The Returning Officer shall ensure that the details of the Campaign Coordinators are available for members wishing to join a campaign.
28. The coordinators of campaigns for both sides of the Referendum shall take into account the diversity of views and arguments among registered campaigners for their position and seek to give each of them due attention, subject to the ruling of the Returning Officer and the threat of disqualification.
29. Campaigning for or against individual motions may only begin once all appropriate campaign briefings have been completed and overseen by the Returning Officer.
30. Campaigning must follow the Referendum Rules issued by the relevant staff member. Breaches of these Rules shall be dealt with by the Returning Officer in the interests of a free and fair referendum.

### ***Campaign Publicity***

31. All campaigning publicity must meet the requirements of the Referendum Rules.
32. Campaign Coordinators are required to provide a copy of all campaigning materials to the Returning Officer before they are used in order for the Returning Officer to ensure that they comply with the rules.

### ***Conduct***

33. Candidates must conduct themselves in line with the Referendum Rules. Candidates breaching these regulations will be subject to the disciplinary procedures outlined in the Guidance Document and this By-law.
34. Campaigning may begin as directed by the Returning Officer.

35. Complaints regarding campaigners' conduct must be submitted to the Returning Officer or their nominee using the official Complaints Form no later than the close of polling.
36. Complaints will be dealt with as outlined in the Referendum Rules covering campaigning regulations.
37. The Returning Officer or their nominee may take any disciplinary action that they deem to be reasonable, up to and including a ban on campaigning for an individual or campaign team. In the event that the Returning Officer or their nominee deems it appropriate to ban campaigning by one of the campaign teams in a Referendum, they should publically make clear the reasons for this decision.

### **Referendum Voting**

38. Referenda shall be held at times which are intended to enable the largest possible number of members to vote.
39. No member shall have more than one vote.
40. Voting shall be by secret ballot.
41. Voting shall be conducted online by means of the YUSU electronic voting system, which shall have the following features:
  - 41.1. measures to ensure that only members can vote;
  - 41.2. measures to ensure that voters do not vote more than once;
  - 41.3. measures to ensure that voters can view arguments submitted by the two sides of the Referendum campaign;
  - 41.4. the option to vote for, against or abstain from voting on a motion;
  - 41.5. the option to not vote on all motions.
42. A motion may only be passed by Referendum if at least 5% of Members cast a vote in the Referendum and a majority of the votes cast are in favour of the resolution, as outlined in the Constitution.
43. Abstentions shall count towards quorum but shall not count towards deciding the outcome of the vote.
44. For an amendment to pass and form part of the final motion, it must also reach quorum and receive more votes in favour than against.

### ***Counting***

45. The timing of the count shall be approved by the Returning Officer or their nominee prior to the start of polling.
46. The count shall be closed except to the Returning Officer and/or their nominee, and the results shall be announced to members within 24 hours of the close of polling.
47. The results of Referenda shall be certified by the Returning Officer.