

REFERENDUM RULES

These rules shall apply to a referendum (the “Referendum”) to be held at Kwantlen University College (“KUC”) on the issue of whether the members the Kwantlen University Students Association (the “KSA”) wish to withdraw as members of the Canadian Federation of Students (the “CFS”).

Date

1. The Referendum shall take place on April 8, 9, and 10, 2008 (the “Polling Days”).

Referendum Question

2. The Referendum question shall be: “Do you wish to withdraw as a member of the Canadian Federation of Students?”

Chief Returning Officer

3. Schiffner Consultants Inc. shall be engaged as the Chief Returning Officer for the Referendum.
4. The Chief Returning Officer shall be responsible for overseeing and administering all aspects of the Referendum process in accordance with these rules.
5. Where these rules are silent on a particular aspect of the Referendum process, the Chief Returning Officer shall exercise its discretion in making decisions relating thereto.
6. The Chief Returning Officer’s role shall be executed in accordance with the following:
 - (a) any applicable federal and/or provincial laws;
 - (b) the Bylaws of the Canadian Federation of Students but only to the extent that they are not inconsistent with the Court’s orders of March 14 and 20, 2008; and
 - (c) any resolutions adopted by or directions provided by the Referendum Oversight Committee.
7. The Chief Returning Officer shall be responsible for the following, among other things as provided in these rules:
 - (a) interviewing and hiring poll clerks;
 - (b) conducting poll clerk training;
 - (c) preparing materials and supplies for the polling stations including the voters’ list;
 - (d) overseeing the polling stations at all four locations;

- (e) overseeing the secure storage of the ballot boxes; and
 - (f) preparing a final report on the polling process.
8. The fees and expenses of Schiffner Consultants Inc. with respect to the Referendum shall be split equally between the CFS and the KSA, subject to review by the Court.

Campaign Period

9. In these rules, “Campaign Period” shall mean the period beginning at 8:00 a.m. on March 25, 2008 and ending at 7:30 p.m. on April 10, 2008.

Campaign Materials

- 10. In these rules, “Campaign Materials” shall mean any materials used by any party during the Campaign Period to promote its position on the Referendum.
- 11. Materials of general application used by any party in the normal day-to-day course of its business shall not be considered Campaign Materials.
- 12. All Campaign Materials must be approved by the Chief Returning Officer prior to use.
- 13. The Chief Returning Officer shall not approve Campaign Materials which in its opinion are offensive to basic community standards, including materials that are racist, sexist, homophobic or profane.
- 14. Campaign Materials that cannot be removed at the conclusions of the Campaign Period, or that are likely to damage property, including paint applied to building surfaces, are prohibited from use.
- 15. The Chief Returning Officer shall maintain a written record of the decisions made regarding the approval of Campaign Materials.
- 16. No Campaign Materials may be removed, defaced, damaged or destroyed without the prior authorization of the Chief Returning Officer.
- 17. Campaign Materials which have not been approved by the Chief Returning Officer shall be withdrawn or removed at the direction of the Chief Returning Officer.
- 18. The Chief Returning Officer may at its discretion assess other penalties with respect to the use of Campaign Materials that have not been approved, provided that the penalty is balanced against the volume of the materials distributed or its effect.

Campaigning

- 19. Campaigning during the Campaign Period shall be conducted reasonably, responsibly, and in good faith.
- 20. During the Campaign Period there shall be no campaigning:

- (a) in KUC libraries;
 - (b) in areas or at events where alcohol is served; or
 - (c) in classrooms during a class period without the prior consent of the instructor.
21. All Campaign Materials shall be removed by 12:00 p.m. on Friday, April 11, 2008.
 22. On the Polling Days no campaigning shall be permitted:
 - (a) within 15 feet of the polling stations at the Cloverdale, Richmond and Surrey campuses; and
 - (b) within 10 feet of the polling station at the Langley campus;
 or such greater distances as the Chief Returning Officer determines in its discretion are necessary to prevent voters from being influenced by campaigning whilst voting.
 23. Campaigning during the Campaign Period including the use of Campaign Materials shall also be subject to any applicable rules of the KUC.

Polling

24. On the Polling Days, polling shall take place between the hours of 8:30 a.m. and 7:30 p.m. at the following locations, subject to availability:
 - (a) Cloverdale Campus (Lounge 1210);
 - (b) Langley Campus (foyer, across from bookstore);
 - (c) Richmond Campus (foyer); and
 - (d) Surrey Campus (Lobby 1000, G Building).
25. Should any of the stipulated polling locations become unavailable, the Chief Returning Officer shall select alternate locations and post reasonable notice of the alternate locations.
26. The Chief Returning Officer shall hire polling clerks.
27. If the Chief Returning Officer in its discretion considers it necessary, it shall, prior to April 8, 2008, conduct a training session for all poll clerks.
28. The Referendum Oversight Committee will be given a list of the polling clerks by the Chief Returning Officer.
29. At each polling station there shall be two (2) poll clerks in attendance.
30. Polling clerks shall be prohibited from:

- (a) campaigning during the Campaign Period;
 - (b) instructing a voter as to which answer on the ballot to select; and
 - (c) providing information regarding the Referendum to a voter other than the Referendum question.
31. Each member of the KSA shall be allowed to cast one (1) secret, non-transferable ballot.
 32. Persons wishing to vote must present a Kwantlen University College student card or another form of photo identification to verify voter eligibility.
 33. The most current KUC registration data shall be used to verify student status.
 34. Both poll clerks at each of the designated polling stations shall initial the back of the ballot before providing it to the voter.
 35. The Chief Returning Officer shall ensure that all ballot boxes and ballots are kept in a secure location.
 36. Ballot boxes shall be sealed and not opened until counting.

Ballot Counting

37. Ballots shall be counted immediately following the conclusion of voting.
38. Where the mark on the ballot clearly indicates a preference, the ballot shall be considered valid and counted.
39. Spoiled ballots shall count for the purposes of establishing the total number of voters, but shall not be considered in the calculation of a majority.

Scrutineers

40. The CFS and KSA may appoint one scrutineer each for each polling station to observe the polling procedure at each of the polling stations.
41. The CFS and KSA may each appoint two scrutineers to observe the ballot counting procedure. Scrutineers shall not be permitted to leave the ballot counting facility before the completion of the ballot counting.
42. The CFS and KSA shall provide to the Chief Returning Officer the names of any scrutineers they appoint.
43. The Chief Returning Officer may expel a scrutineer who attempts to disrupt the polling procedure or ballot counting process including attempting to destroy, deface, remove or manipulate ballots.

Quorum

44. Quorum shall be five percent (5%) of the total number of full and part time students at KUC as at April 1, 2008 KUC as determined by the Chief Returning Officer by reference to KUC enrolment data.

Referendum Result

45. The result of the referendum shall be determined by a 50 percent plus one majority of the votes cast.

Violations and Complaints

46. Complaints alleging violations of these rules shall be investigated and ruled upon by the Chief Returning Officer.
47. Complaints submitted to the Chief Returning Officer must include the following:
 - (a) the specific party or individual that is alleged to be in violation;
 - (b) the facts in support of the alleged violation;
 - (c) evidence of these facts including, where the Chief Returning Officer requires, evidence sworn under oath; and
 - (d) the complainant's name and contact information including e-mail address and telephone number.
48. Complaints will not be considered unless made in writing and received by the Chief Returning Officer within 48 hours of the alleged violation.
49. Where a complaint submitted complies with the requirements set out herein, the Chief Returning Officer shall investigate the complaint and make a ruling on the complaint within 24 hours of receiving the complaint.

Final Report

50. The Chief Returning Officer will prepare and submit to the CFS and KSA a final report on the Referendum process.

March 20, 2008