

CHAPTER 7.

Elections.¹

Article 1. Elections Procedure.

Contents

§7-1.1. Definitions and Conventions.

§7-1.2. Spring General Election.

§7-1.3. Spring General Election Timeline.

§7-1.4. Fall General Election.

§7-1.5. Fall General Election Timeline.

§7-1.6. Special Elections.

§7-1.7. Special Election Timeline.

§7-1.8. Exceptions for Special Elections.

§7-1.9. Leaders of the Pack Election.

§7-1.10. Leaders of the Pack Ballot and Results.

§7-1.11. Basic Qualifications for Office.

§7-1.12. Qualifications for Student Body President Candidates.

§7-1.13. Qualifications for Student Senate President Candidates.

§7-1.14. Qualifications for Student Body Treasurer Candidates.

§7-1.15. Qualifications for Student Body Chief Justice Candidates.

§7-1.16. Qualifications for Student Senator Candidates.

§7-1.17. Qualifications for Union Candidates.

§7-1.18. Qualifications for Senior Class President.

§7-1.19. Filing for Office - Candidate Responsibilities.

§7-1.20. Filing for Office - Elections Commission Responsibilities.

§7-1.21. Online Intent-to-run Form.

§7-1.22. Filing Timelines.

§7-1.23. Announcement of Filings.

§7-1.24. Multiple Filings.

§7-1.25. Withdrawal From Candidacy.

§7-1.26. Final Ballot.

§7-1.27. Ballot Candidacy Format.

§7-1.28. Ballot Specificity.

§7-1.29. Electronic Polling.

§7-1.30. Electronic Ballot.

§7-1.31. Provisional Ballot.

§7-1.32. Write-in Votes.

§7-1.33. Supervised Polling Locations.

§7-1.34. General Enfranchisement.

§7-1.35. Voter Eligibility.

§7-1.36. Single Seat Winners.

§7-1.37. Multiple Seat Winners.

§7-1.38. Write-in Winners.

§7-1.39. Run-off Election.

§7-1.1. Definitions and Conventions.

Within this chapter, the following definitions and conventions shall apply:

- (a) “**Elections Commission**” and “**Commission**” refer to the Student Body Commission on Elections.
- (b) “**Board of Elections**” refers to the entire agency for elections, the sum of the Elections Commission and its assistants.
- (c) “**Books open**” and “**Books close**” refer to the beginning and end of the candidacy filing period, respectively.
- (d) The term “**Candidate**” shall refer to any individual who has filed document(s) for candidacy for election or has otherwise agreed to appear on the ballot. Unqualified candidates shall be considered candidates until such time as the Commission has ruled affirming their ineligibility.
- (e) “**Campaigning**” refers to actions in support of a candidate, such as the distribution of literature and posting of materials. Wearing campaign material shall not be considered “**Campaigning**” unless accompanied by the delivery of oral or written campaign information.
- (f) “**Supporters**” and “**Staff**” refer to any students who work to assist a candidate in the activities of campaigning.
- (g) “**Contributor**” refers to any student who has donated time, talent, or money to candidate’s campaign.

¹ As amended by: GB 58, 81st Session (2001-2002); GB 76, 83rd Session (2003-2004); GB 83, 85th Session (2005-2006); GB 42, GB 65 & GB 106, 86th Session (2006-2007); GB 04, GB 37, GB 65, GB 86 & GB 105, 87th Session (2007-2008).

- (h) “**Campaign**” refers to a candidate’s organization of staff and supporters that seeks to encourage his or her election.
- (i) “**Class Day**” refers to any weekday on which the University holds classes.
- (j) “**Elections Cycle**” refers to the period from the opening of elections books to the certification of results of a conclusive general or run-off election.
- (k) “**General Election**” refers to the initial election of and elections cycle, as opposed to a run-off election.
- (l) “**Spring General Election**” refers to both the general and run-off elections of the regular election occurring in the spring.

Part I. Occurrence and Timelines of Elections.

§7-1.2. Spring General Election.

There shall be an election occurring each Spring, to be known as the Spring General Election. At this election, in addition to special races added by the Senate, the members of Student Body, subject to voting eligibility, shall vote upon:

- (a) the election of a Student Body President, Student Senate President, and Student Body Treasurer;
- (b) the election of a Student Body Chief Justice;
- (c) the election of Student Senators, except those Senators elected in the fall per SBS §2-3.7;
- (d) any properly pending Student Body Referenda;
- (e) the election of a Student Centers President, Union Activities Board President, and at-large member(s) of the Student Centers Board of Directors;
- (f) the election of a Senior Class President;
- (g) the election of at-large member(s) of the Student Media Authority;
- (h) any elective races or referenda of College Councils granted ballot space by either the Elections Commission or the Student Senate; and,
- (i) any other elective offices granted ballot space by either the Elections Commission or the Student Senate.

§7-1.3. Spring General Election Timeline.

- (a) *Books open*: At least 7 class days prior to the All Candidates Meeting.
- (b) *Books close*: 2 days prior to the All Candidates Meeting.
- (c) *All Candidates Meeting*: Wednesday prior to Spring Break.
- (d) *General Elections*: First class Tuesday ten (10) regularly scheduled class days after Spring Break.
- (e) *Run-Off Elections*: Tuesday one week after the General Elections.

§7-1.4. Fall General Election.

There shall be an election occurring each September, to be known as the Fall General Election. At this election, in addition to special races added by the Senate, the members of Student Body, subject to voting eligibility, shall vote upon the election of Student Senators selected in the fall per SBS §2-3.8.

§7-1.5. Fall General Election Timeline.

- (a) *Books open*: At least 5 days prior to the All Candidates Meeting.
- (b) *Books close*: 1 day prior to the All Candidates Meeting.
- (c) *All Candidates Meeting*: Third Class Wednesday of the Fall Semester.
- (d) *General Elections*: Second Tuesday following the All-Candidates Meeting.
- (e) *Run-Off Elections*: Tuesday one week after the General Elections.

§7-1.6. Special Elections.

Special Elections shall be ordered only by the Student Senate via Senate Resolution. When ordering a special election, the Student Senate shall have the authority to designate the following:

- (a) The date polls open;
- (b) The size of the Elections Commission to be appointed in addition to the chair;
- (c) The number and locations of supervised polling facilities and their hours of operation;
- (d) The questions to be placed on the ballot, consistent with statutes on qualifications; and
- (e) If needed for the races on the ballot, the time and length of a filing period of at least four (4) class days.

§7-1.7. Special Election Timeline.

- (a) *General Elections*: One class day, per Senate order.
- (b) *Run-Off Elections*: One class day one week following the general election.

§7-1.8. Exceptions for Special Elections.

In addition to the special powers of the Senate of SBS §7-1.6, the following exceptions shall apply to special elections:

- (a) The Commission Chair shall be appointed twelve (12) class days prior to his or her first official duty regarding the special election, subject to simple majority confirmation by the Senate at a single meeting.
- (b) The Student Body President may make appointments to Board of Elections positions for a term of the same duration as the special election;
- (c) The Commission shall have discretion when and if to hold an All Candidates Meeting, provided that it is announced at the start of filing.

§7-1.9. Leaders of the Pack Election.

Contingent on the continued operation of the University's Leader of the Pack Contest, there shall each Fall Semester be an election to determine the outcome of the contest. This election shall occur the Monday and Tuesday prior to the University's homecoming football game, unless one of the following conditions applies:

- (a) The homecoming game is prior to the Fall Election, in which case the election shall be at the order of the Senate per SBS §7-1.6.
- (b) The homecoming game is no more than two weeks after the Fall Election, in which case the election shall be concurrent with the Fall Election.

Should the election not be concurrent with the Fall Election, it shall take on all ordinary characteristics of a special election.

§7-1.10. Leaders of the Pack Ballot and Results.

The Leaders of the Pack Committee shall submit to the Elections Commission the names of finalists to be included in the election no later than 5:00 PM the Wednesday prior to the opening of polls. At the conclusion of polling, the Elections Commission shall tabulate and certify the results of this election per standard practice and notify the Leaders of the Pack Committee of the results, but shall not publicly release the results until the day after the homecoming football game. At no point shall the Leader of the Pack contest be subject to any form or manner of runoff election, nor requirements for majority polling.

Part II. Qualifications for Candidacy.**§7-1.11. Basic Qualifications for Office.**

All candidates for any elective position must be students in good standing with the University, as defined by SBS §1-1-1(d).

§7-1.12. Qualifications for Student Body President Candidates.

Candidates for Student Body President shall be required to have no qualifications beyond the basic qualifications for office.

§7-1.13. Qualifications for Student Senate President Candidates.

Candidates shall have served at least a majority of the scheduled Student Senate meetings in any given year by the close of filing.

§7-1.14. Qualifications for Student Body Treasurer Candidates.

Candidates for Student Body Treasurer will be required to meet the basic qualifications for office and in addition will meet at least one of the following further qualifications:

- (a) The candidate will have served at least a majority of the scheduled Student Senate meetings in any given year by the close of filing.
- (b) The candidate will have served as a department level official in the Department of the Treasury.

§7-1.15. Qualifications for Student Body Chief Justice Candidates.

Candidates for Student Body Chief Justice shall be required to have no qualifications beyond those listed in the Student Body Constitution.

§7-1.16. Qualifications for Student Senator Candidates.

- (a) Candidates must be currently enrolled in the constituency from which they seek election. Candidates shall run for the their current classification, unless they are a Freshman, Sophomore, or Junior, in which case they shall run one classification greater than their current classification.
- (b) A candidate may run in a college different from that in which they are currently enrolled if they can show by written University documentation that they will be in that college next academic year. Similarly, a candidate may provide proof of remaining in their current classification, and seek a seat associated with that standing. Candidates petitioning under this subsection waive their right to vote for themselves.
- (c) For the purposes of first-year Senate seats, a student shall be considered first-year if they enrolled in the University after the date of the immediate previous Fall General Election.

§7-1.17. Qualifications for Union Candidates.

Candidates for Student Centers President and Union Activities Board President shall meet requirements in the Union Constitution. Candidates for Student Centers Board of Directors shall have no qualifications beyond basic qualifications for candidacy. Union positions do not require certification of the Union.

§7-1.18. Qualifications for Senior Class President.

Candidates for Senior Class President shall be required to have projected Senior status for the next academic year. In addition, candidates must meet with the Director of Constituency Programs of the NC State Alumni Association prior to the last day of filing.

Part III. Filing for Office.

§7-1.19. Filing for Office - Candidate Responsibilities.

A student desiring to become a candidate shall be responsible for complying with the following requirements:

- (a) filing an intent-to-run form to declare candidacy for a particular race;
- (b) verifying that his/her own candidacy filing is carried out completely and correctly, including verification of the proper name on the candidate list draft ballot and final ballot;
- (c) in the event of any errors, notifying the Elections Commission prior to the certification of the final ballot as established in SBS §7-1.25;
- (d) attending the All Candidates Meeting; and,
- (e) complying with any other regulations provided in this Chapter.

§7-1.20. Filing for Office - Elections Commission Responsibilities.

During any given election cycle, the Elections Commission shall be responsible for:

- (a) publishing names and offices from all filed intent-to-run form within 24 hours of submission, per SBS §7-1.23;
- (b) notifying candidates of intent-to-run form receipt via the email address supplied;
- (c) invalidating the intent-to-run form of any candidate who supplies fictitious, misleading or incomplete information;
- (d) producing an initial certified candidate list within 12 hours following the All Candidates Meeting;
- (e) notifying all candidates who submitted an intent-to-run form via email of published draft ballot; and,
- (f) correcting any errors in the ballot within 12 hours of being notified that corrections are needed.

§7-1.21. Online Intent-to-run Form.

There shall be an online, electronically submittable, intent-to-run form, requesting the same information as the paper version, with the exception of the Student ID Number. Students submitting the form online shall sign the waiver contained on the paper version at either the all candidates meeting or at their all candidates meeting absence excuse hearing. The online intent-to-run form shall not be applicable to Student Body wide elective races or to the Senior Class President race.

§7-1.22. Filing Timelines.

- (a) In the case of the Spring General Election, the Board of Elections shall begin accepting filings for office no later than seven (7) class days prior to the All Candidates Meeting, and stop accepting filings two (2) days prior to All Candidates Meeting, at 5:00 PM.
- (b) In the case of the Fall General Election, the Board of Elections shall begin accepting filings for office no later than five (5) class days prior to the All Candidates Meeting, and stop accepting filings one (1) day prior to All Candidates Meeting, at 5:00 PM.

§7-1.23. Filing Timeline After Disqualification of Candidates for Student Body Office.

In the event one or more candidates for Student Body Office are disqualified as a result of noncompliance with University regulations, and the time period has elapsed for the Board of Elections to accept new candidate filings for that office, members of the student body shall be eligible for a period not to exceed 24 hours beginning the next subsequent day to file for the office in which the disqualification(s) occurred.

The provisions of this section shall not apply more than once in any given race.

§7-1.23. Announcement of Filings.

The Election Commission shall publish the candidate names and offices from each intent-to-run form within twenty-four (24) hours of its receipt. Publication shall occur regardless if qualifications have been verified. Candidates shall be responsible for formally petitioning the Commission for correction should their name be omitted. No additional candidates shall be announced after the first candidate's meeting, unless the candidate filed public petition regarding an omission within twenty-four (24) hours of the final candidate announcement.

§7-1.24. Multiple Filings.

Students shall be permitted to seek any number of elective positions, provided that they would not be prohibited by the *Student Body Constitution*, *Student Body Statutes*, or *Union Constitution* to serve simultaneously in all positions sought if elected to all.

§7-1.25. Withdrawal From Candidacy.

Any Candidate may file a written petition with the Board of Elections to withdraw from candidacy. Such a petition must be filed by 5:00 PM the Tuesday prior to the election to provide the Commission time to authenticate the petition prior to the finalization of the ballot. All such petitions shall be granted unless the Commission finds that granting it would substantially impair a fair election.

Part IV. Ballots and Polling.

§7-1.26. Final Ballot.

The Elections Commission shall publish a final ballot by 9AM Wednesday prior to any election, which shall contain the exact form of all questions before the electorate, and candidates in all races. Under no circumstances may this ballot be altered prior to or during polling. The Elections Commission shall publish a draft of the final ballot at least 48 hours prior to the publication of the final ballot for any given election.

§7-1.27. Ballot Candidacy Format.

The ballot shall contain the formatted name of each candidate for each position. This formatted name must include the surname from the candidate's full legal name as well as at least one other portion of the legal name or common derivatives thereof. No name format that would serve to confuse the electorate as to the identity of the candidate shall be acceptable. No information shall be included beyond the name.

§7-1.28. Ballot Specificity.

All ballots shall be designed to be specific to both college and classification. Ballots shall be further specific to departments, as necessary for elective races added to an election per SBS §7-1.2 *et seq.*

§7-1.29. Electronic Polling.

There shall be electronic polling accessible through the Student Government webpage, which shall open no later than 8:00 AM the first day of elections and shall remain open continuously for twenty-four (24) hours.

§7-1.30. Electronic Ballot.

The electronic ballot delivered to the voter shall contain all races they are eligible to cast votes in. The order of the list of candidates for each race shall be randomized for each voter.

§7-1.31. Provisional Ballot.

If a student is barred from accessing his or her correct ballot by a technical issue, he or she may request a paper provisional ballot. This provisional ballot shall include all races for which the voter is eligible to cast votes in, and shall be sealed in an envelope along with a card indicating the voter's name, email, phone, student id number, and unity userid. The Commission shall tabulate the provisional ballot into the results after the close of elections as long as there is no record of the voter voting electronically and no indication that technical issue which the voter raised was spurious. It shall be considered fraudulent to file or encourage the filing of Provisional Ballots for the purpose of frustrating the elective process.

§7-1.32. Write-in Votes.

All general election ballots shall include for each elective office a number of write-in slots equal in number to the seats available for the office, unless the office is of a nature requiring external pre-approval of candidates.

§7-1.33. Supervised Polling Locations.

The Board of Elections shall make a reasonable effort to provide resources in the Student Government Office, or other suitable location(s), wherein students may receive assistance filing their electronic ballot or request a provisional ballot. The Elections Commission shall establish hours for such resources as it deems in the best interests of a free and fair election.

§7-1.34. General Enfranchisement

All students who have paid, or had paid on their behalf, full fees, including pro-rated full fees, supporting Student Government shall be enfranchised and entitled to vote.

§7-1.34A. Use of Preferential Balloting.

Pursuant to §7-1A.103, the following elective contests shall use preferential balloting, as further specified below:

- (a) Student Body President, §7-1A.103(a) IRV Majority;
- (b) Student Senate President, §7-1A.103(a) IRV Majority;
- (c) Student Body Treasurer, §7-1A.103(a) IRV Majority;
- (d) Student Body Chief Justice, §7-1A.103(a) IRV Majority;
- (e) Student Senator, §7-1A.103(b) STV Plurality;
- (f) Student Centers President, §7-1A.103(a) IRV Majority;
- (g) Union Activities Board President, §7-1A.103(a) IRV Majority;
- (h) Student Centers Board of Directors, §7-1A.103(b) STV Plurality;
- (i) Senior Class President, §7-1A.103(a) IRV Majority;
- (j) Student Media Board, §7-1A.103(d) STV Plurality/Remainder;
- (k) Leaders of the Pack, §7-1A.103(a) IRV Majority;
- (l) Contests granted ballot space under §7-1.2(h), §7-1.2(i), or §7-1.6, if so ordered by a Senate Resolution including a §7-1A.103 category applicable to the contest.

§7-1.35. Voter Eligibility.

In general, a voter shall be eligible to vote in races in which he or she has the correct standing and enrollment to run. For college or school specific races, the voter shall be allowed to vote in the College of their current primary enrollment. For class specific races, the voter shall be allowed to vote in the class he or she is currently in, unless he or she is a Freshman, Sophomore, or Junior, in which case the voter shall vote in one class greater than their current classification. For department specific races, the voter shall be allowed to vote in the department of primary residence, as defined by the university's electronic records, of his or her first major.

Part V. Determination of Winners.**§7-1.36. Single Seat Winners.**

For any race in which only one position is available, the winner shall be the candidate who receives a simple majority (greater than 50%) of the votes casts. In the event that no candidate receives a majority of the vote, a run-off election shall be conducted. The top two candidates will be in the run-off. If there is a tie for the second seat, all three candidates will be in the run-off.

§7-1.37. Multiple Seat Winners.

For any race in which more than one seat is available, the top candidates will receive a seat until all the available seats are filled. There will be a run-off only if there is a tie for the last seat. This section shall be applied to Senate seats, regardless of the number of seats available. In the event that a 1% or less margin separates the candidate that

wins the last seat and the candidate that holds the next largest number of votes, said candidate may call for a runoff within twelve (12) hours of the announcement of the election results, unless the candidate that wins the last seat holds a simple majority.

§7-1.38. Write-in Winners.

In order to be elected by write-in, a student must meet all qualifications for the office in question. Additionally, the student must receive either fifteen (15) votes or votes from

ten percent (10%) of those voting in the particular race, whichever is less, to be eligible for election. All candidates must receive a minimum of at least five (5) write-in votes. No write-in candidate shall be included in a run-off election without express consent of the candidate.

§7-1.39. Run-off Election.

In event that a run-off election is necessary, it shall be conducted under the same regulations as the preceding general elections, unless these statutes provide otherwise.

Article 1A. Preferential Balloting Act (Revision 2).

Contents

§7-1A.101. Definitions and Conventions.

§7-1A.102. Applicability of Preferential Balloting.

§7-1A.103. Requirements for Enactment of Preferential Balloting.

§7-1A.104. Enactment Presumptions.

§7-1A.105. Reformation of Void Enactments.

§7-1A.201. Allocation under Instant Run-off Voting.

§7-1A.202. Allocation under Single Transferable Voting.

§7-1A.203. Allocation under Single Transferable / Remainder Voting.

§7-1A.204. Condorcet Simulated Voting.

§7-1A.211. Resolution of Ties in Vote Allocation.

§7-1A.212. Allocation of Write-In Votes.

§7-1A.221. Occurrence of Traditional Run-off Election under IRV.

§7-1A.222. Occurrence of Traditional Run-off Election under STV.

§7-1A.301. Full Preference Ballot.

§7-1A.302. Partial Preference Ballot.

§7-1A.401. Provisional Ballots.

§7-1A.402. Quantity of Write-in Slots.

§7-1A.403. No Margin Run-off.

§7-1A.404. Form of Results.

§7-1A.405. Raw Tabulation Release.

§7-1A.406. Appeals Concerning Allocative Tabulations.

§7-1A.101. Definitions and Conventions.

In this act, the following definitions shall govern:

- (a) An “**allocation round**” is a distinct complete set of vote allocations in Instant Run-off Voting or Single Transferable Voting created in the process of determining a final allocation awarding seats.
- (b) An “**allocative tabulation**” is a tabulation of results reflecting the applicable preferential vote allocation.
- (c) A “**blank ballot**” is a ballot containing no response from the voter in the particular elective contest.
- (d) The “**highest preference**” refers to the preference the voter has indicated they would most prefer.
- (e) A “**legal ballot**” is a properly cast, complete, non-blank ballot in any particular race.
- (f) The term “**majority**” has its ordinary meaning, which can be considered more than half.
- (g) A “**preferential ballot**” is a ballot for a particular elective contest allowing the voter to sequentially rank each option or candidate in order of preference.

- (h) A “**preferential vote**” is a vote cast on a preferential ballot.

- (i) “**Tie**” refers only exact numeric equality ties.

- (j) A “**Traditional Run-Off**” is a run-off election conducted on separate day from the original election.

PART I. IMPLEMENTATION OF PREFERENTIAL BALLOTING

§7-1A.102. Applicability of Preferential Balloting.

Preferential ballots shall be used only when explicitly authorized elsewhere in this chapter. When a preferential ballot is used, the provisions of this act shall supersede any conflicting provisions elsewhere in this chapter.

§7-1A.103. Requirements for Enactment of Preferential Balloting.

All statutes or other acts enacting preferential balloting for an elective contest shall indicate one of the following preferential balloting methodologies to be used:

- (a) “*IRV Majority*” is §201 Instant Run-off Voting conducted with a §301 Full Preference Ballot. It is applicable to single winner races requiring majority election.
- (b) “*STV Plurality*” is §202 Single Transferable Voting conducted with a §302(a) three times positions Partial Preference Ballot. It is applicable to multiple winner and single winner races not requiring majority election.
- (c) “*STV Plurality – Full Ballot*” is §202 Single Transferable Voting conducted with a §301 Full Preference Ballot. It is applicable to multiple winner races not requiring majority election.
- (d) “*STV Plurality/Remainder*” is §203 Single Transferable/Remainder Voting conducted with a §302(a) three times positions Partial Preference Ballot. It is applicable to multiple winner and single winner races not requiring majority election.
- (e) “*IRV Short Ballot*” is §201 Instant Run-off Voting conducted with a §302(b) five vote Partial Preference Ballot. It is applicable to single winner races requiring majority election, but does not guarantee conclusive results and may require a traditional run-off election.
- (f) “*Condorcet Simulations*” is §204 Condorcet Voting conducted with a §302(b) five vote Partial Preference Ballot. It does not necessarily determine a winner, and is applicable to non-candidacy contests (e.g. ballot initiatives and referenda).

§7-1A.104. Enactment Presumptions.

In any case where an enactment under §103 is ambiguous or deficient, the “IRV Majority” methodology shall be used for single-winner contests and the “STV Plurality” methodology shall be used for multiple-winner contest.

§7-1A.105. Reformation of Void Enactments.

In the event that an enactment under §103 would be void due to application of methodology that is incompatible with the elective contest, particularly with regards to majority/plurality or single seat/multi-seat, the Elections Commission shall be empowered to substitute a different methodology in such a way to best effectuate the intent of the Senate.

Part II. Allocation of Preferential Votes**§7-1A.201. Allocation Under Instant Run-off Voting.**

Under Instant Run-off Voting, each vote shall be initially allocated to the highest preference on the voter's legal ballot. If no candidate or option has votes equal to or greater than a majority of legal ballots, votes will be reallocated as further provided by this section. Reallocation shall proceed by determining the candidate or option with the least amount of votes as currently allocated, and then reallocating each of that candidate's or option's votes to the next remaining preference on each ballot that was a source of votes. Ties for least amount of votes shall be broken as provided by §211. Reallocation shall be repeated until a candidate or option has votes equal to at least a majority of legal ballots in the contest, and is thereby declared winner. No vote shall be allocated to a candidate or option previously eliminated.

§7-1A.202. Allocation Under Single Transferable Voting.

- (a) Before allocation under Single Transferable Voting, a Quota shall be calculated by dividing the total count of legal non-blank ballots in a contest by the total number of seats available plus one, then adding one to the result and rounding down to the nearest whole number. $Quota = \text{Round}_{\text{down}}((\text{Ballots}/(\text{Seats} + 1)) + 1)$.
- (b) Under Single Transferable Voting, each vote shall be initially allocated to the highest preference on the voter's legal ballot. (i) If the candidate or option with the most votes has greater than or equal the Quota, a seat shall be awarded. (Ties for most votes shall be broken as provided by §211.) These votes shall be reallocated by determining, for each ballot providing votes (whole or fractional) to the candidate or option, the fractional vote in excess of the amount needed for the Quota, and then reallocating that fractional vote to the given ballot's next preference not previously elected or eliminated. (ii) Should no candidate or option have votes equaling or exceeding the Quota, reallocation shall proceed by determining the candidate or option with the least amount of votes as currently allocated, and then reallocating each of that candidate's or option's votes to the next preference, not previously elected or eliminated, on each ballot that was a source of votes. Ties for least amount of votes shall be broken as provided by §211. (iii) After each reallocation, either from meeting the Quota or from eliminating the bottom candidate or option, the allocation is reviewed again for Quota meeting under

(i) or bottom elimination under (ii) until the point at which all seats have been filled or no candidates remain.

§7-1A.203. Allocation Under Single Transferable / Remainder Voting.

Allocation under Single Transferable/Remainder Voting shall proceed as in §202, except that reallocation of votes shall stop as soon as the number of candidates or options not eliminated equals the number of seats available, regardless of whether or not all candidates or options remaining have met the Quota. All such remaining candidates shall be awarded a seat.

§7-1A.204. Condorcet Simulated Voting.

Under Condorcet Simulated Voting, a set of simulated head-to-head races shall be created reflecting all unique combinations of two candidates or options. The preferential ballots shall be then used to determine a winner of each simulated election, by awarding each ballot in each simulation to the candidate or option that has a higher preference on that ballot. Should a candidate or option prevail in all simulated elections entered, such candidate or option is the Condorcet winner. Otherwise, there shall be determined a Circular Condorcet Set, which shall contain the fewest number of candidates or options such that no candidate or option excluded from the set prevails against any member of the set in any simulated election.

§7-1A.211. Resolution of Ties in Vote Allocation.

In the event of tie during allocation of preferential votes, the following procedures shall be attempted in sequence until one of them resolves the tie:

- (a) The tie shall be resolved by creating a set of simulated head-to-head races reflecting all unique combinations of two candidates or options drawn from the tied pool. All preferential ballots in the contest shall be then used to determine a winner of each simulated election, by awarding each ballot in each simulation to the candidate or option that has a higher preference on that ballot. For ties in which the winner advances, the tie shall be considered resolved if one candidate or option prevailed in all simulated elections entered. For ties in which the loser is eliminated, the tie shall be considered resolved if one candidate or option lost all simulated elections entered.
- (b) The tie shall be resolved by comparing the allocated votes to the tied candidates or options during the most recent allocation round in which they were not tied.
- (c) The tabulation software shall resolve the tie by lot. In the event such method resolves a tie for last elimination of the allocation, the losing candidate shall have a right to demand a tie be declared and a traditional run-off election held. Such demand must be made to the Elections Commission within eighteen (18) hours of the public release of the results. The Elections Commission shall notify all candidates holding this right of the fact it is available within three (3) hours of the public release of the results.

§7-1A.212. Allocation of Write-In Votes.

In allocation of votes under §201, §202, §203 or §204, votes for write-in candidates shall be eliminated and reallocated to the next preference on the relevant ballot, unless the particular write-in candidate appears on the lesser of: (i) 50 legal ballots, (ii) a majority of non blank legal ballots, (iii) a Quota of legal ballots, for allocations under §202, or (iv) 10 legal ballots, for allocations under §203. Nothing in this section shall have the effect of modifying requirements for quantities of write-ins required for election.

§7-1A.221. Occurrence of Traditional Run-off Election under IRV.

For §201 Instant Run-off Voting in contests requiring a majority of votes to be elected, a traditional run-off election must be ordered when, due to exhaustion of preference ballots, no candidate receives a majority of votes in the final allocation round. Such run-off shall be conducted with the last two (2) candidates or options remaining in the allocation round, and shall use a non-preference ballot.

§7-1A.222. Occurrence of Traditional Run-off Election under STV.

For §202 Single Transferable Voting contests in which insufficient candidates or options reach the Quota to fill all available seats, a traditional run-off election may be ordered to fill the remaining seats. Such an election must be ordered if one or more non-elected candidates received at least seventy-five percent (75%) of the Quota amount. To the extent available, such run-off shall include twice as many candidates or options as seats remaining, such candidates or options being the last eliminated in the tabulation rounds. The commission may include additional candidates if interests of equity so require. All traditional run-offs under this section shall be conducted with a full preference ballot and tabulated under §202 Single Transferable Voting.

Part III. Ballot Mechanics**§7-1A.301. Full Preference Ballot.**

On any elective contest using a Full Preference Ballot, to cast a legal ballot the voter must rank all choices presented on the ballot. If a write-in allowed in the contest and used by the voter, the voter must rank it in addition to the choices presented on the ballot.

§7-1A.302. Partial Preference Ballot.

- (a) The requirements for a three times positions Partial Preference Ballot shall be the same as a Full Preference Ballot, except that the voter shall only be required to rank the following number of candidates or options, if such number is available on the ballot: (i) five (5), in the case that a single position is available; (ii) twenty-five (25), in the case that nine or more positions are available, or (ii) three (3) times the number of positions available, in all other cases.
- (b) The requirements for a five vote Partial Preference Ballot shall be the same as a Full Preference Ballot,

except that the voter shall not be required to rank more than five (5) options or candidates.

Part IV. Special Provisions**§7-1A.401. Provisional Ballots.**

In contests using preferential balloting, the Elections Commission shall be empowered to refuse provisional ballots otherwise allowed under Article I unless the provisional voter provides clear and complying information he or she was improperly denied access to the online polls. In a preferential ballot contest, the Elections Commission shall tabulate a provisional ballot only if inspection of the online results reveals the provisional votes would have materially affected the end result of the election.

§7-1A.402. Quantity of Write-in Slots.

Use of preferentially balloting shall not increase or decrease the number of write-in slots otherwise available in an elective contest.

§7-1A.403. No Margin Run-off.

Except as provided in §211(c) of this Act, no candidate in an elective contest preferentially balloted shall be empowered to demand a run-off that does not occur automatically. Provisions elsewhere providing for run-offs in the event of close margin results shall be specifically inapplicable to preferential balloting.

§7-1A.404. Form of Results.

For purposes of announcement postings of results, only basic results are required. For archive purposes, full results are required, and full results shall be made generally available to any party to inspect on request once available. These forms of results shall be defined as follows:

- (a) *Instant Run-off Voting.* For elective contests with votes allocated under §201, basic results shall consist of a listing of the votes in the last allocation round, indicating a majority for the winner and the balance for losers whose votes had not previously been reallocated. Detailed results shall include the results of each allocation round, including the initial allocation, a listing of which round each candidate was eliminated, and the method for resolving any ties.
- (b) *Single Transferable Voting.* For elective contests with votes allocated under §202 or §203, basic results shall consist of a statement of the Quota, a listing each candidate or option meeting the Quota, and a listing of other candidates or options whose votes have not been reallocated. Detailed results shall include the results of each allocation round, including the initial allocation, a listing of which round each candidate met Quota or was eliminated, and the method for resolving any ties.
- (c) *Condorcet Voting.* For elective contest under §204, basic and detailed results shall consist of a matrix of the results of each simulated election.

§7-1A.405. Raw Tabulation Release.

Substantially simultaneous with the initial release of results from a preferential election, a raw tabulation shall be released in electronic format. This raw tabulation shall list the number of votes each distinct ordering of ballot options received.

§7-1A.406. Appeals Concerning Allocative Tabulations.

For purposes of appeals, the final allocative tabulation released by the Board of Elections shall enjoy a presumption of correctness in application of the allocation methodology of §§201 *et seq* of this Act. The Board shall summarily dismiss any appeal alleging error in methodology not substantiated with evidence of actual error.

Article 2. Board of Elections.

Contents

- §7-2.1. **Convention Concerning Confirmation.**
- §7-2.2. **Elections Commission.**
- §7-2.3. **Composition.**
- §7-2.3A. **Minimum Composition for Elections.**
- §7-2.4. **Commission Officers.**
- §7-2.5. **Commission Meetings.**
- §7-2.6. **Parliamentary Authority.**
- §7-2.7. **Deliberative Duties of Commission.**
- §7-2.8. **Decision Making Criteria.**
- §7-2.9. **Appointment of the Chair of the Commission.**
- §7-2.10. **Duties of the Chair of the Commission.**
- §7-2.11. **Vacation of the Office of Chair of the Commission.**
- §7-2.12. **Vice-Chair of the Commission.**
- §7-2.13. **Commission Secretary.**
- §7-2.14. **Publicity Director.**
- §7-2.15. **Polling Director.**
- §7-2.16. **Elections Assistants.**
- §7-2.17. **Elections Technical Personnel.**
- §7-2.18. **Elections Webmaster.**
- §7-2.19. **External Liaisons.**
- §7-2.20. **Qualifications for Elections Assistants.**
- §7-2.21. **Term of Elections Assistants.**
- §7-2.22. **Official Status of Elections Assistants.**
- §7-2.23. **Validation of Candidacy.**
- §7-2.24. **Basic Publicity.**
- §7-2.25. **Voter Guide.**
- §7-2.26. **Candidate Debates.**
- §7-2.27. **Elections Website.**
- §7-2.28. **Candidates Meetings.**
- §7-2.29. **Meeting with Government Operations.**
- §7-2.30. **Equipment Audit.**
- §7-2.31. **Test of Voting System.**
- §7-2.32. **Poll Maintenance.**
- §7-2.33. *Reserved for future use.*
- §7-2.34. **Result Tabulation and Posting.**
- §7-2.35. **Preservation of Records.**
- §7-2.36. **Certification of Results.**
- §7-2.37. **Filling of Results.**

§7-2.1. **Convention Concerning Confirmation.**

Within this article, unless otherwise specified, “**confirmation**” refers to the simple majority confirmation of the Student Senate.

Part I. Elections Commission.

§7-2.2. **Elections Commission.**

The Elections Commission shall have the basic duty to ensure a free and fair Student Body Election. The Commission shall be comprised of chair (SBS §7-2.9) and eight (8) commissioners, who shall be students appointed by the Student Body President, subject to the simple majority confirmation of the Senate. These eight (8) commissioners shall be divided into two classes as follows:

- (a) Four (4) commission appointments shall be Class 2 Presidential Appointments, for a term ending the spring commencement one year hence; and
- (b) Four (4) commission appointments shall be Class 3 Presidential Appointments, for a term ending the fall commencement one year hence.

§7-2.3. **Composition.**

As best possible, members of the Elections Commission shall be of a variety of backgrounds and experiences. Specifically, no more than two (2) members of the Elections Commission can be concurrently serving in any branch of Student Government. Commissioners shall be considered Student Government Officials, but shall be exempt from the dual-office holding ban of SBS §1-3. Members of the Commission shall not be:

- (a) Candidates for Elected Office;
- (b) Staff Members of a Campaign;
- (c) Supporters of a Candidate;
- (d) Contributors to a Candidate or Campaign;
- (e) Members of the Senate Standing Committee on Government Operations;
- (f) The Student Body Chief Justice or one of his or her Assistants, nor be applicants to one of those positions for the next year; and,
- (g) Sponsors of Referenda to be presented for vote.

§7-2.3A. Minimum Composition for Elections.

- (a) In the event there are fewer than five (5) members of the Elections Commission within two weeks of an election, the Elections Commission Chairman shall be empowered to appoint members to the Commission on an acting basis who shall be considered exempt from the "concurrent service in Student Government" prohibition specified in SBS §7-2.3.
- (b) Commissioners appointed in this manner may be subject to veto by any Student Body Officer within 24 hours of the announcement of the appointment, or a no confidence vote of the Senate Standing Committee on Government Operations.
- (c) The terms of any such Commissioners appointed in this manner shall expire immediately following the conclusion of the applicable election, or upon Senate confirmation of a Commissioner duly appointed to the seat by the Student Body President.
- (d) No single person may be appointed more than one (1) time under this section within any given legislative session.

§7-2.4. Commission Officers.

The Elections Commission shall elect from its own membership a Vice-chair, Secretary, Publicity Director, and Polling Director, with duties as prescribed by these statutes. These offices shall be elected twice annually, at the first meeting following the confirmation of each class of commissioners, and also whenever the offices might be vacant.

§7-2.5. Commission Meetings.

The Commission shall meet at the call of the chair or majority vote of the Commission. All Commission meetings must be publicly announced at least twenty-four (24) hours prior to the meeting. Such public announcement shall include announcement via the Student Government listserv, email to all candidates, and posting on the elections website. Quorum of the Commission shall be a simple majority. Unless provided for otherwise by these statutes, all meetings of the Commission shall be open to the public.

§7-2.6. Parliamentary Authority.

In such cases in which no applicable rule exists in these statutes, the rules contained within *The Standard Code of Parliamentary Procedure* shall govern the procedure of the commission.

§7-2.7. Deliberative Duties of Commission.

In addition to other duties specified in these Statutes, the Elections Commission shall, as a deliberative body:

- (a) Hear all allegations that a candidate or candidates have violated campaign rules;
- (b) Provide a governing interpretation of the regulations of this chapter upon request of any candidate, campaign, or Student Government Official;
- (c) Remove unqualified candidates from the ballot once verifying of the lack of qualification;
- (d) Certify petitions for Student Body Referenda;
- (e) Grant or deny ballot access to College Councils not inconsistent with Senate decisions on the same access;
- (f) Adopt a budget of funds appropriated to the Board of Elections;
- (g) Hear appeals of an election;
- (h) Certify the elections results.

§7-2.8. Decision Making Criteria.

The Elections Commission shall attempt to make decisions in a manner consistent with past practice, provided statutes do not supercede with newer practice. In no case shall the Commission be bound, or otherwise defer, to statements or pledges made by its officers to candidates or other interested parties. Furthermore, such officer statements shall not be consisted mitigating in cases of violation of elections rules.

Part II. Commission Officers.

§7-2.9. Appointment of the Chair of the Commission.

The Chair of the Elections Commission shall be considered a Student Government Official. The outgoing Student Body President shall appoint the Chair no later than one week prior to the first Student Senate meeting of a new session subject to the simple majority confirmation of the Senate. Such an appointment shall not be confirmed at the meeting at which the appointment is announced. In addition to any specific requirements, the Chair of the Commission shall meet all requirements for service as Commissioner, as listed in SBS §7-2.3. The term of the Chair shall begin on the effective date of confirmation and last until the date of Spring Commencement. The chair shall be confirmed a second time prior to discharge of duties regarding the spring general election. Such confirmation resolution shall automatically be introduced the first Senate meeting of the spring semester.

§7-2.10. Duties of the Chair of the Commission.

In addition to other duties specified in these Statutes the Commission Chair shall specifically:

- (a) Coordinate the activities of the Board of Elections;
- (b) File a report on the activities of the Board of Elections to the Senate at least once every five (5) class days during an election cycle and every fifteen (15) class days when no election cycle is in progress;
- (c) Remove Elections Assistants for cause provided that reasons for such action are reported to the Senate; and
- (d) Submit to the Senate Standing Committee on Government Operations, upon the conclusion of an election cycle, a report on any procedural difficulties or recommendation for improvement to these statutes.

§7-2.11. Vacation of the Office of Chair of the Commission.

In the event that the office of Chair becomes vacant prior to the end of its term, the office shall be filled as follows:

- (a) The Student Body President shall appoint a replacement Chair per §3-1.10, when no elections cycle is in progress;
- (b) The Student Body President shall appoint a replacement Chair from the confirmed Commissioners without consent of the Senate if an elections cycle is in progress; and
- (c) The Student Body President shall appoint a replacement within one (1) week of the vacation with the majority consent of the Senate when neither part (a) nor part (b) of this statute can possibly be applied.

§7-2.12. Vice-Chair of the Commission.

The Vice-chair of the Elections Commission shall execute the duties of the Chair of the Elections Commission whenever he or she is unable to do so.

§7-2.13. Commission Secretary.

The Commission Secretary shall maintain accurate records of the actions of the Commission.

§7-2.14. Publicity Director.

The Commission Publicity Director shall be responsible for coordinating all publicity efforts by the Board of Elections.

§7-2.15. Polling Director.

The Commission Polling Director shall be responsible for the planning, set-up, operations, and staffing of each of the several supervised polling locations.

§7-2.16. Elections Assistants.

The Chair of the Commission shall appoint, without confirmation of the Senate, any number of Elections Assistants to perform minor or supervised duties.

§7-2.17. Elections Technical Personnel.

The Student Body President shall appoint two (2) students of sufficient technical competence to operate the online voting program no later than the 10th class day of the Fall Semester, subject to a simple majority confirmation of the Government Operations Committee. These students shall be considered Elections Assistants and shall be responsible for running the online elections program under the supervision of the Elections Commission.

§7-2.18. Elections Webmaster.

The Chair of the Commission shall name an Elections Webmaster, who may be either a Commissioner or an Elections Assistant. The Elections Webmaster shall be responsible for ensuring the Elections Website is up-to-date and contains all information required by these statutes.

§7-2.19. External Liaisons.

The Chair of the Commission shall name an external liaison to each non-Student Government group using the elections ballot. An External Liaison may be either a Commissioner or an Elections Assistant. The External Liaisons shall be responsible for ensuring timely and accurate communication between the Board of Elections and the external group, and shall specifically encourage, when appropriate, involvement of the external group in filing and polling publicity.

§7-2.20. Qualifications for Elections Assistants.

Elections Assistants shall not be:

- (a) Candidates for Elected Office;
- (b) Staff Members of a Campaign;
- (c) Supporters of a Candidate;
- (d) Contributors to a Candidate or Campaign;
- (e) The Student Body Chief Justice or one of his or her Assistants;
- (f) Sponsors of Referenda to be presented for vote.

§7-2.21. Term of Elections Assistants.

The term of the Elections Assistants shall begin on the effective date of appointment or confirmation and lasts until the date of Spring Commencement.

§7-2.22. Official Status of Elections Assistants.

Elections Assistants shall be considered Student Government Officials, but shall be exempt from the dual office-holding ban of SBS §1-4.

Part III. Operational Duties.**§7-2.23. Validation of Candidacy.**

The Chair of the Commission shall validate that student seeking candidacy meets all qualifications for such candidacy. Validation includes checking the potential candidate's Academic and Judicial Standing, in addition to verifying all position specific candidacy qualifications, with the assistance of appropriate University Officials. Should the Chair find evidence that an individual is unqualified the Elections Commission shall review the ineligibility per SBS (§7-2.7).

§7-2.24. Basic Publicity.

The Board of Elections shall publicize such that all members of the Student Body have a reasonable opportunity to be aware of the elections, the timeline for filing for office, and the manner and time of voting.

§7-2.25. Voter Guide.

The Commission shall produce both a printed and electronic uniform voter guide for all Constitutionally specified offices.

§7-2.26. Candidate Debates.

The Commission shall coordinate, in conjunction with interested Student Media, any debates among candidates for office.

§7-2.27. Elections Website.

The Board of Elections shall maintain an elections website on space provided by the Division of Web Development. The website shall include, at minimum, these Statutes, the current Elections Packet (SBS §7-6.1), links to on-line voting, list of candidates, the Voter Guide, any rulings and minutes of the Elections Commission, and elections results, once available.

§7-2.28. Candidates Meetings.

The Commission shall organize and run the candidates meetings at which they shall provide information to candidates concerning elections as well as answering any questions of candidates or members of the Student Body. There shall be two candidates meetings for the general election, and any candidate can attend either. Additionally, the commission shall prepare a packet of information equivalent to that presented at the meetings. In lieu of attending, candidates may pick of this packet within two days of the last meeting, and sign attesting their receipt of the information.

§7-2.29. Meeting with Government Operations.

The Election Commission shall be required to meet in conjunction with Government Operations once per semester to discuss election matters.

§7-2.30. Equipment Audit.

The Board of Elections shall conduct an audit of all voting equipment and technologies, and report any problems that could hinder the election to the Senate Committees on Finance and Government Operations no later than the last Friday in February.

§7-2.31. Test of Voting System.

The Board of Elections shall conduct at least one public 24-hour test of the electronic voting system prior to opening of polls. A test shall be conducted the Thursday prior to opening of polls with the final ballot in place. The Commission shall actively request factual comments regarding the security of the voting system.

§7-2.32. Poll Maintenance.

The Commission shall oversee all supervised polling locations, including clearly and uniformly marking their location and removing all campaign materials within fifty feet (50') of the location.

§7-2.33. *Reserved for future use.*

Part IV. Tabulation and Certification.

§7-2.34. Result Tabulation and Posting.

The Commission shall make a draft tabulation of elections results no later than 8 hours after the conclusion of elections, which shall immediately be posted and furnished to any requesting parties. The final, official results shall include all provisional ballots and shall be posted once they have been certified by the Elections Commission.

§7-2.35. Preservation of Records.

The Commission shall provide for the safekeeping of all records from the election and shall forward results and other important records in a permanent medium to the University Archives.

§7-2.36. Certification of Results.

- (a) After initial tabulation, the Commission shall certify the results of a particular elective race in a permanent fashion, within twenty-four (24) hours, provided that the Commission deems the results complete and that all appeals affecting the race have been exhausted. Multiple races may be certified *en masse*. Should the Commission deem the results to be incomplete, it shall re-tabulate the results and review them again within thirty-six (36) hours. Review and certification must take place in a duly called public meeting.
- (b) Complete results include the total ballots cast, the number of votes cast on each candidate or choice printed on the ballot, and a complete list of all write-in votes for individuals passing the write-in minimum. A comprehensive list of write-in votes for any race shall be prepared for reference.

§7-2.37. Filling of Results.

Four original copies of certified results shall be prepared, one to be sent to each of the following: (i) the Student Body President, (ii) the Student Senate Historian, (iii) the University Archives, and (iv) the Division of Student Affairs.

Article 3. Violations and Appeals.

Contents

- §7-3.1. **Violation Defined.**
- §7-3.2. **Time Scope of Enforcement.**
- §7-3.3. **Pre-candidacy Violations.**
- §7-3.4. **Reporting Alleged Violations.**
- §7-3.5. **Violation Hearing.**
- §7-3.6. **Notifications.**
- §7-3.7. **Warnings.**
- §7-3.8. **Fines.**
- §7-3.9. **Direct Disqualification.**
- §7-3.10. **Disqualification Hearing.**
- §7-3.11. **Violation Decision Announcements.**
- §7-3.12. **Appeals of Violation Decisions.**
- §7-3.13. **Re-hearing of Warnings.**
- §7-3.14. **Review of Commission Acts and Decisions.**
- §7-3.15. **Review Hearing.**
- §7-3.16. **Appeals of an Election.**
- §7-3.17. **Hearing of Elections Appeals.**
- §7-3.18. **Relief for Sustained Appeals.**
- §7-3.19. **Requirements for Judicial Appeal.**
- §7-3.20. **Filing of Judicial Appeal.**
- §7-3.21. **Judicial Hearing.**
- §7-3.22. **Injunctive Authority Barred.**
- §7-3.1. **Violation Defined.**
Within this article, “Violation” refers a violation by a candidate or campaign of the guidelines for campaigning.
- §7-3.2. **Time Scope of Enforcement.**
The Commission shall have authority to impose penalty on a Candidate from the time they file for office until the time they are either defeated at the polls or are sworn into office. Severe breeches of regulation by a candidate in the course of an election shall remain just cause for impeachment for the duration of the student's service in Student Government.
- §7-3.3. **Pre-candidacy Violations.**
The Commission shall be empowered to impose penalty on candidates, after declaration of candidacy, for violations occurring prior to declaration of candidacy, provided that the Commission finds reasonable evidence the violation occurred in the course of supporting the future candidacy and provided that the violation occurred in the semester in which the election occurs.

Part I. Violations.

§7-3.4. **Reporting Alleged Violations.**

All reports of violations shall be submitted in writing to the Student Government Office no later than one (1) full class day after the violation allegedly occurred. The report must include the time, date and location of the alleged violation and must bear the name, email, and phone number of the person reporting the alleged violation.

§7-3.5. **Violation Hearing.**

The accused candidate shall be notified at least twenty-four (24) hours in advance of a Commission meeting at which his or her alleged violation will be heard. The hearing may be conducted *in absentia*, but the accused may send a representative to act on his or her behalf. Both the accuser and the accused will have an opportunity to present their side. By simple majority vote, the Commission may impose either a notification or warning, or may order a disqualification hearing. All penalties are cumulative over the course of candidacy.

§7-3.6. **Notifications.**

Notifications will be issued for minor violations, including violations where a good faith effort was made to adhere to the campaign regulations and it is determined that the regulation was broken unintentionally. A candidate may receive an unlimited number of notifications during a campaign; however, a pattern of abuse shall be grounds for further action.

§7-3.7. **Warnings.**

Warnings will be issued for significant or blatant violations. A candidate may receive an unlimited number of warnings; however, upon the issue of each third warning, the Chair of the Commission shall schedule a disqualification hearing.

§7-3.8. **Fines.**

- (a) The Commission shall be empowered to access fines on candidates concurrent with warnings, if the Commission believes the violation was particularly blatant or damaging to the elections.
- (b) Fines shall not exceed fifty dollars (\$50). The candidate may either pay the fine, which will not count towards expense limits, or not pay the fine and elect to deduct the fine from the total expense limit. All proceeds from fines shall be deposited in to the Student Body Funds, and shall be set aside for defrayment of the cost of future elections.

§7-3.9. Direct Disqualification.

Candidates will be disqualified directly, i.e. without issuance of three warnings, for only for blatant disregard of the campaign regulations or malicious tampering with voting equipment. Disqualified candidates are not eligible to be appointed to any elected Student Government office. If at a violation hearing the Commission finds that disqualification may be warranted, the Chair of the Commission shall schedule a disqualification hearing. The Commission shall concurrently access a warning in all cases that it orders a Disqualification Hearing.

§7-3.10. Disqualification Hearing.

A disqualification hearing before the Commission shall begin with a period in which the accuser may present his or her allegations and answer questions of the Commission and the accused. The accused may then present a defense and answer questions of the Commission. The candidate shall have the right to know who his or her accuser is. Following arguments and questioning, the Commission shall deliberate on the disqualification. Disqualification hearings shall be conducted *in absentia* only if the Commission rules the candidate is absent to deliberately frustrate process. A majority vote of the entire statutory membership of the Commission is required to disqualify a candidate.

§7-3.11. Violation Decision Announcements.

The Commission's decision on an alleged violation becomes public immediately following the decision. Violations shall be posted in the window of the Student Government Office and on the elections website no later than 8:00 am the day following the Commission's decision. Candidates shall be notified of the decision via email prior to its posting.

§7-3.12. Appeals of Violation Decisions.

- (a) All decisions from violation hearings may be appealed to the Commission for re-hearing.
- (b) Disqualification, or substantive errors in the Disqualification Hearing, may be appealed to a judicial panel per §7-3.18.

§7-3.13. Re-hearing of Warnings.

Should any concerned student believe that the Commission acted without all pertinent information in deciding a violation hearing, he or she may petition for a re-hearing of the warning by the Commission. Such a petition must state what additional information is to be presented. Upon receipt of such a petition, the Chair of the Commission shall schedule a re-hearing. The re-hearing shall be conducted under the same procedure as the initial hearing except that it shall be conducted *in absentia* only if the Commission rules the candidate is absent to deliberately frustrate the process.

Part II. Decision Review.**§7-3.14. Review of Commission Acts and Decisions.**

Any member of the Student Body may file an allegation with the Commission that it or any member of the Board of Elections acted contrary to these statutes. Such an allegation must be filed in a timely manner, and must include the name, phone, and email of the petitioner and the exact details of what is alleged to have happened. Review requests may not be filed on decisions involving violations, other decision reviews, or appeals of the election.

§7-3.15. Review Hearing.

The Commission shall conduct a hearing on any review request filed. The petitioner and the official alleged to have acted improperly shall be notified of the hearing at least twenty-four (24) hours in advance. Both the petitioner and the official shall be permitted to present their stance, and then shall answer questions of the commission. In the event the petition involves a decision by the entire commission, the hearing shall consist simply of the petitioner's presentation of his or her stance. By majority vote, the commission may either overturn the decision or instruct corrective action.

Part III. Elections Appeals.**§7-3.16. Appeals of an Election.**

Any appeal of an election or specific races of an election must be submitted in writing to the Commission by 5:00PM the day after close of polls. An appeal must include the name and the phone number of the person submitting the appeal and should detail what occurred which caused an inaccurate election result.

§7-3.17. Hearing of Elections Appeals.

The Elections Commission shall meet the night following the day polls closed to hear any filed appeals of the election. Such a public hearing shall begin with the presentation of the appeal by the appellate, followed by any testimony from knowledgeable parties the Commission elects to hear. The Commission shall then deliberate, before taking a recorded vote on the question of sustaining the appeal. The Commission shall sustain no appeal that would require a relief in conflict with student body law. At any time prior to a final decision, the appellant may withdraw the appeal.

§7-3.18. Relief for Sustained Appeals.

Upon sustaining an appeal of an election, the Commission shall instruct the execution of the election for the affected races anew, with such changes to prevent reoccurrence of the issue or issues necessitating the overturning of the previous election.

Part IV. Judicial Appeals.

§7-3.19. Requirements for Judicial Appeal.

The following actions, inclusive, shall be subject to appeal to a judicial panel:

- (a) Elections Commission decisions on appeals of elections;
- (b) Disqualifications;
- (c) Forfeiture of candidacy for lack of qualifications;
- (d) Elections Commission decisions on substantial decision reviews; and
- (e) Substantial errors during the disqualification process.

§7-3.20. Filing of Judicial Appeal.

All Judicial Appeals must be filed in the Student Government Office by 5:00 PM the class day following the decision being appealed. Such an appeal must include the name, email, and phone of the petitioner, along with the reasons the petitioner believes the Commission's decision to be incorrect.

§7-3.21. Judicial Hearing.

All judicial appeals shall be heard by a panel of five (5) members of the Judicial Branch, none of which serve on the Board of Elections. The Chair of the Elections Commission shall present the stance of the Commission. The Chair of the Commission and the petitioner shall have a period of no less than two (2) class days to prepare their cases. Arguments and questioning shall be in public, but the deliberations of the panel shall be closed. Overturning of a Commission decision shall require clear and convincing evidence that the Commission acted incorrectly. The panel shall be entitled to order any relief that the Commission would have been able to. The decision of the judicial panel is not subject to appeal.

§7-3.22. Injunctive Authority Barred.

No injunctive authority of any kind shall be vested in the Judicial Branch nor in any judicial panel convened for the purposes specified in this Article. No restraining order or any other document of similar effect may be issued for any reason prior to the final disposition of a particular judicial appeal.

Article 4. Campaign Regulations.

Contents

- §7-4.1. **Candidate Responsibility.**
- §7-4.2. **Regulation Applicability.**
- §7-4.3. **Regulation Completeness.**
- §7-4.4. **University Supplies.**
- §7-4.5. **Distribution of Campaign Materials.**
- §7-4.6. **Handbills.**
- §7-4.7. **Campaign Posters.**
- §7-4.8. **Sandwich Boards.**
- §7-4.9. **Campaign Emailing and Social Networking.**
- §7-4.10. **Door-to-door Campaigning.**
- §7-4.11. **Student Government Facilities.**
- §7-4.12. **Campaigning in Computer Labs.**
- §7-4.13. **Campaigning Near Polls.**
- §7-4.14. **Unofficial Polling Stations.**
- §7-4.15. **Undue Influence.**
- §7-4.16. **Bribery and Coercion of Elections Officials.**
- §7-4.17. **Destruction of Campaign Materials.**
- §7-4.18. **Official Campaign Start.**
- §7-4.19. **Spending Limits.**
- §7-4.20. **Standard Rate Expenses.**
- §7-4.21. **Frequency of Expense Reports.**
- §7-4.22. **Filing of Expense Reports.**
- §7-4.23. **Availability of Expense Information.**
- §7-4.24. **Expenses prior to All Candidates Meeting.**
- §7-4.25. **Penalties Concerning Expenses.**
- §7-4.26. **Joint Expenses.**

§7-4.1. **Candidate Responsibility.**

All candidates and campaigns shall be responsible for knowing the regulations of campaigning. Ignorance of a regulation shall not be acceptable as a defense to a violation of a rule. Candidates shall be responsible for the actions of their staff and supporters.

§7-4.2. **Regulation Applicability.**

All regulations within these Statutes shall be applicable to all candidates for office, regardless of the affiliation of the office sought, by virtue of the election governance clause of the Student Body Constitution.

§7-4.3. **Regulation Completeness.**

The campaign regulations shall be considered complete and shall be enforced without addition by the Board of Elections.

Part I. General Regulations.

§7-4.4. **University Supplies.**

A candidate shall not use university supplies in an effort to campaign. University supplies that are made available for student purchase or general student use, e.g. print quota, may be used. "University Supplies" includes, but is not limited to, letterhead, paper, business cards, and campus mail. At no point shall a candidate use a generally available university supply in such a way as to frustrate its use by other candidates and the general student population. No candidate shall make use of a university supply unless that same use is allowed to all other candidates in the same race.

§7-4.5. **Distribution of Campaign Materials.**

Campaign materials must be distributed in accordance with University policies for registered student organizations.

§7-4.6. **Handbills.**

Handbills shall be considered any objects with campaign information that are typically delivered by hand to a voter. No handbills may be piled in a public place with the intention that voters will pick them up except outside of organized forums of debate and discussion, where permitted by forum organizers and made available to all candidates.

§7-4.7. **Campaign Posters.**

Candidates and their staffs must follow University policy on posters. No candidate or campaign may remove another candidate's posters. Candidates shall have the right to post on any public board that they would be ordinarily entitled to post on as students.

§7-4.8. **Sandwich Boards.**

All sandwich boards must be displayed outdoors and should be freestanding and secured if necessary to prevent a safety hazard to the general public. Size and shape of sandwich boards must adhere to standards stated in the elections packet.

§7-4.9. **Campaign Emailing and Social Networking.**

All campaign shall comply with University email policy. No regulation shall be enforced by the Board of Elections whose effect is to restrict the lawful usage of social networking sites, provided that any mass messages from a group dedicated to a given candidate(s) clearly state the intent is to persuade the voter to support that candidate(s).

§7-4.10. **Door-to-door Campaigning.**

The Elections Commission shall make no provision to restrict door-to-door campaigning on or off campus. Candidates shall be advised to be aware of University Housing and community policies regarding solicitation.

Chapter 7. Elections.

§7-4.11. Student Government Facilities.

Organized campaign activities is prohibited in all Student Government facilities, except at the explicit invitation of the Board of Elections, the Wolf Aides Program, or a non-Student Government group that is duly authorized to use said facilities.

§7-4.12. Campaigning in Computer Labs.

There shall be no campaigning in any Unity Labs on the days of elections.

§7-4.13. Campaigning Near Polls.

There shall be no campaigning within 50 ft of a supervised polling location on the days of elections.

§7-4.14. Unofficial Polling Stations.

No campaign shall establish or effectively establish a polling station. This includes but is not limited to providing computer services for the purpose of voting, without the express unsolicited request for such service by the voter.

§7-4.15. Undue Influence.

Candidates and their staffs shall not expend any funds or aid in any effort to exert undue influence over the voting process.

§7-4.16. Bribery and Coercion of Elections Officials.

At no time shall any candidate or their agent attempt to bribe, coerce, intimidate, or otherwise attempt to unduly influence any Elections Official. This includes, but is not limited to, promise or suggestion of appointment or re-appointment to positions of authority, threats to socially or politically ostracize an Elections Official, transfer of funds, goods, or services to an Elections Official where it is a departure from ordinarily accepted behavior, and intimations of physical violence against any Elections Official. All violations of this regulation shall be forwarded to the Office of Student Conduct, as well as adjudicated through the violation process.

§7-4.17. Destruction of Campaign Materials.

No campaign shall destroy the campaign materials of another campaign. This shall include, but not be limited to, erasing chalk, removing or defacing posters, and damaging or removing sandwich boards. Covering posted materials shall not be considered destruction.

§7-4.18. Official Campaign Start.

- (k) No individual person, candidate, campaign staff or supporter shall host mass events, display any form of campaign publicity, or further the interests of said candidacy, which may include but not be limited to mass flyering, handing out materials on campus, sandwich boards, chalking, or painting the Free Expression Tunnel, prior to two (2) weeks before Election Day.
- (l) Pursuant to the letter and intent of Student Body Statutes §7-4.9 (*“Campaign Emailing and Social Networks”*), this regulation specifically excludes the creation and use of Facebook groups and websites.
- (m) Any person found in violation of this section may be fined by the Elections Commission at a rate of \$20.00 per day for each day campaign materials are up or events take place.

Part II. Campaign Expenses.

§7-4.19. Spending Limits.

- (a) Candidates may spend no more than the following in a general election:
 - Student Body President: \$300
 - Student Senate President: \$250
 - Student Body Treasurer: \$250
 - Senator: \$100
 - Other Elective Offices: \$200
 - Department-level Elective Offices: \$50
- (b) For a run-off election, candidates may spend anew up to half the expense limit of the general election.
- (c) Donations may not total more than half of the allowable expenses in each election and do not count towards the spending limit. Time, services, and/or materials donated by someone who normally charges shall count towards total donations.

§7-4.20. Standard Rate Expenses.

Candidates should document the actual cost of materials used insofar as possible. When not possible, they may declare the following items at the given standard rates, which are intentionally high ranged rates:

- (a) copies and printing: 150% the highest rate charged by Wolf Copy.
- (b) staples on flyers: 5 cents per flyer.

§7-4.21. Frequency of Expense Reports.

- (a) Candidates shall be required to submit an expense report by 5:00 PM each Monday class day between the All Candidates meeting and last general or run-off election they are a candidate in. Such a report must be accurate as of at least 5:00PM the preceding Friday and include at least all expenses since the last report. Such weekly reports shall be required only for elective races with a spending limit of at least two hundred (\$200) dollars.
- (b) Candidates shall submit a final expense report no later than 9:00 AM the day after polls have closed. Such a report shall be comprehensive of all expenses of the campaign, regardless of date of expenditure. No candidate shall assume office until the final campaign expense sheet has been submitted and inspected.

§7-4.22. Filing of Expense Reports.

Expense reports shall be filed with the Board of Elections, via the Student Government Office, and shall include:

- (a) expense sheets and worksheets from the Elections Packet; and
- (b) original receipts for the final report or copies of receipts for a weekly report, provided that original receipts are available on request of the Commission.

Candidates shall be permitted to electronically file reports stating that they had expended no funds.

§7-4.23. Availability of Expense Information.

Campaign expense sheets shall be considered public records, and any individual may have access to information contained in the sheets. The Commission shall cause the regular posting of expense information on the Elections Website.

§7-4.24. Expenses prior to All Candidates Meeting.

Any funds expended prior to the all candidates meeting shall be included in the campaign expense reports.

§7-4.25. Penalties Concerning Expenses.

- (a) Failure to submit expense reports on time shall be a violation, and shall be brought to the attention of the commission by the chair;
- (b) Falsifying information in an expense report is punishable by the Judicial Board.

§7-4.26. Joint Expenses.

- (a) Joint expenses shall be considered any expense that, with the knowledge of both campaigns, benefits both campaigns by design. The joint expense may be divided amongst the campaigns at their own discretion.
- (b) Prior to expending funds on joint campaign expense, both candidates must file a joint campaign finance declaration, which shall be a public record. Once joint finance declarations are filed, both campaigns shall be liable for each other's expense violations. This statute shall not limit campaigns from stating their endorsement of another candidate, unless such endorsement is the primary purpose of the purchased medium.
- (c) Joint financed campaigns shall file a set of expense reports covering the entire campaign, in addition to the reports for the individual candidates.
- (d) Any and all joint expense declarations must be filed within five (5) class days of the final candidates meeting.

Article 5. Referenda.

Contents

- §7-5.1. **Scope of Referenda.**
- §7-5.2. **Validation.**
- §7-5.3. **Occurrence.**
- §7-5.4. **Form.**
- §7-5.5. **Ballot Order and Numbering.**
- §7-5.6. **Results.**
- §7-5.7. **Conflicting Adopted Referenda.**

§7-5.1. Scope of Referenda.

Within these statutes, “referenda” shall refer to proposed amendments to the Student Body Constitution, proposed amendments to the Union Constitution, proposed amendments to a College Council Constitution, and non-binding ballot questions proposed to the Student Body by act of the Senate.

§7-5.2. Validation.

Referenda shall be considered valid and pending vote upon either:

- (a) enrollment following adoption by the Senate for amendments to the Student Body Constitution or for non-binding ballot questions, adoption by the Union Board of Directors for amendments to the Union Constitution, or adoption by a College Council for amendments to that Council’s Constitution. Notice of such action must be presented to the Commission no later than close of filing for the Spring General Election in order to be eligible for presentment in that election, unless provided otherwise by Senate Resolution;
- (b) certification by the Elections Commission of a petition signed by 15% of the University’s enfranchised students for amendments to either the Student Body Constitution or the Union Constitution. Such a petition must be presented to the Commission no later than close of filing for the Spring General Election in order to be eligible for certification for that election.

§7-5.3. Occurrence.

Pending referenda shall be presented to the Student Body in the Spring General Election unless an act of Senate provides for an earlier special election.

§7-5.4. Form.

The referenda ballot shall state the following for each referendum:

- (a) If the referendum changes a constitution or if it is a non-binding question.
- (b) The full text of the referendum or a summary thereof. Such a summary shall either provided in the bill ordering the referendum or drafted by the Elections Commission if none was provided. If a summary of the referendum is provided, the full text shall be readily available.
- (c) The effect of a yes or no vote.

§7-5.5. Ballot Order and Numbering.

All referenda shall be placed on the ballot in descending order of date and time of validation. Each referendum shall be assigned a proposition number by the Elections Commission, unless such a number was already assigned in the document ordering the referendum.

Referendum numbering shall be of the form $[iyy - n^+]$ as specified:

- i shall be the identifier of the document affected
 - 1 - Student Body Constitution
 - 2 - Union and University Student Center Constitution
 - 3 - Student Media Constitution
 - 4-7 - *reserved for future use*
 - 8 - all other binding referenda (e.g. for College Councils)
 - 9 - non-binding ballot questions

- yy shall be the two-digit year of the election wherein the referendum appears on the ballot

- n^+ shall be an incremented value that indicates the number of referenda of this type since the numbering system was adopted in the Spring 2007 General Election

EXAMPLE:

A referendum was held amending the Student Centers Constitution in the Spring 2007 General Election. Its number was 207-1. If another referendum is held in the Spring 2008 General Election also amending the Student Centers Constitution, its number would be 208-2.

§7-5.6. Results.

Referenda shall be adopted if they receive two-thirds of the legal ballots cast, notwithstanding conflicting referenda also adopted, per §7-5.7.

§7-5.7. Conflicting Adopted Referenda.

- (a) No bill shall be in order in the Student Senate that provides for a referendum that conflicts with a pending referendum unless that bill provides for action in the event both the pending and proposed referenda are adopted.
- (b) In the event that two or more referenda are adopted that affect change on the same portion of a constitution the last such adopted referenda in the ballot order shall take effect.

Article 6. Elections Packet.

Contents

§7-6.1. Preparation of the Elections Packet.

§7-6.2. Elections Forms.

§7-6.3. Appendix - Elections Packet.

§7-6.1. Preparation of the Elections Packet.

The Elections Commission shall compile and release the Elections Packet for a given election no later than two (2) class days prior to books opening subject to the majority approval of the Committee on Government Operations. Any changes to the packet approved by the Committee on Government Operations in this manner shall take effect immediately, and shall amend the packet in the Appendix.

§7-6.2. Elections Forms.

Whenever the filing of a form contained within the Elections Packet is required, it shall be acceptable for the candidate to file the form as included in the appendix to this article in place of the prepared form distributed in the Elections Packet.

§7-6.3. Appendix - Elections Packet.

The Student Body Elections Packet shall be included in these Statutes as an appendix to this article, and shall hold the same force of law as these Statutes. In such circumstances where a conflict may arise between the Packet and these Statutes, the Statutes shall govern.

