

METROPOLITAN STATE COLLEGE OF DENVER

STUDENT GOVERNMENT ASSEMBLY

Election Commission By-Laws

I. COMPOSITION

A. Generally

1. *Composition*

“The Election Commission shall be composed of five (5) students” (Const. §XI-1-2)

2. *Standing*

The Election Commission, as established by Article XI of the Constitution, is similar in establishment to the Executive, Legislative and Judicial Branches of the Student Government Assembly, as established by Articles VI, VII, and VIII, respectively, and is therefore empowered as a unique branch of Student Government.

B. Appointment

1. *Members*

“The Election Commission shall be appointed by the President, with the confirmation of a two-thirds ($\frac{2}{3}$) vote of the Senate” (Const. §XI-1-3). The Commission may elect to participate in the appointment process, providing one or more candidates to the President for consideration. Commissioner terms shall be perpetual, lasting until removal or resignation.

2. *Chair*

“The Chair shall be appointed by the President with a two-thirds ($\frac{2}{3}$) confirmation vote by the Senate” (Const. XI-1-4). The Commission may elect to participate in the appointment process, providing a candidate to the President for consideration. The Chair’s term shall last for one (1) year, excepting removal or resignation. The Chair shall only be chosen from existing Commissioners, and shall return to status as a normal Commissioner upon removal, resignation or end of term as Chair. The Chair shall vote as a normal member. There shall be no limit to the number of terms served by the any Chair.

3. *Record-Keeper*

The Commission shall appoint one Commissioner, upon that individual’s self-nomination, to serve as Record-Keeper. The Record-Keeper’s term shall last for one (1) year, excepting removal or resignation. The Record-Keeper shall only be chosen from existing Commissioners, and shall return to status as a normal Commissioner

upon removal, resignation or end of term as Record-Keeper. The Record-Keeper shall vote as a normal member. There shall be no limit to the number of terms served by the any Chair.

C. Qualifications

1. Members

All Commissioners, including those concurrently serving as Chair and Record-Keeper, must be students of the college in good standing, as defined by the MSCD Student Conduct Code, remain enrolled in six (6) or more credits during each regular Fall and Spring semester while in office, and maintain a cumulative grade point average (GPA) of 2.0 or higher.

2. Verification

The Chair shall be responsible for requesting verification of the qualifications of all Commissioners recommended to the President for appointment. The President shall be responsible for requesting verification of the qualifications of all Commissioners appointed with such recommendation.

D. Removal

1. Members

Commissioners may be removed only by a unanimous vote of all other Commissioners and only by a minimum of three (3) other Commissioners. Such a vote may only take place following seven (7) days notice to the Commissioner in question, delivered in writing, and may only be initiated upon issuance of a written Statement of Cause by another Commissioner or by any student not currently a candidate or other participating party in any election, in which the cause for removal is explicitly described. Commissioners may only be removed for a direct and intentional violation of these By-Laws or the Student Government Assembly Constitution. However, no Commissioner shall suffer removal for any such violation for which the Commissioner already suffered divestment of title as Chair or Record-Keeper. A Commissioner may resign voluntarily at any time.

2. Chair & Record-Keeper

The Chair or Record-Keeper may be divested only by a unanimous vote of all other Commissioners and only by a minimum of three (3) other Commissioners. Such a vote may only take place following seven (7) days notice to the Chair or Record-Keeper in question, delivered in writing, and may only be initiated upon issuance of a written Statement of Cause by another Commissioner or by any student not currently a candidate or other participating party in any election, in which the cause for divestment is explicitly described. The Chair or Record-Keeper may only be so divested for a direct and intentional violation of these By-Laws or the Student Government Assembly Constitution. Divestment as described in this Sub-Section 2 shall not affect a Commissioner's standing as a normal member of the Commission. The Chair or Record-Keeper may resign voluntarily at any time.

3. *Appeal*

Any removal or divestment effected under this Section D shall be subject to appeal to the Student Court only on the basis described in Article X of these By-Laws.

E. Advisorship

1. *Appointment*

The Chair shall appoint all advisors to the Commission, subject to a two-thirds ($\frac{2}{3}$) affirmative vote of all existing Commissioners. Advisors must be chosen from administration, staff and faculty, except as defined in Sub-Section 4 of this Section E. The Chair must appointment a minimum of one (1) advisor with access to confidential student information, for the purpose of verifying such information when submitted by voters and/or candidates. Advisors are not considered Commissioners.

2. *Qualifications*

Advisors must be employees of the Metropolitan State College of Denver in good standing, except as defined in Sub-Section 4 of this Section E.

3. *Removal*

An advisor may only be removed upon request by the Chair, in writing, following a minimum of seven (7) days written notice, subject to a two-thirds ($\frac{2}{3}$) affirmative vote of all existing Commissioners. An advisor may not be removed if such removal deprives the Commission of the ability to verify confidential student information. An advisor may resign at any time.

4. *Legal Advisors*

The Commission may select any attorney, licensed to practice law in Colorado, to advise it on the proper application of these By-Laws, the Student Government Assembly Constitution, college law or policy and city, state or federal law. Such attorney shall be subject to the normal appointment and removal procedures of this Section E, but need not be an employee of the Metropolitan State College of Denver, as described in Sub-Sections 1 and 2 of this Section E.

II. OPERATION

A. Voting

1. *Quorum*

Quorum shall be met by the presence, through appropriate means as defined in Section B of this Article II, of a minimum of three (3) Commissioners. Commissioners are not permitted to attend by proxy.

2. *Normal Votes*

A vote shall be considered affirmative only if a minimum of three (3) Commissioners have signified an affirmative vote. All votes subject to any other requirements, such as simple majority or two-thirds ($\frac{2}{3}$) majority, whether imposed on the specific issue by these By-Laws or the Student Government Assembly Constitution, must still meet this standard. Commissioners are not permitted to vote by proxy.

B. Meetings

1. *Regular*

The Commission shall meet a minimum of once per calendar month at a time set by the Chair, following active solicitation of availability from all Commissioners.

2. *Special*

The Commission shall meet a minimum of once per week during any election cycle, and a minimum of once within the thirty (30) day period following any election cycle.

3. *Executive Session*

The Commission shall convene into executive session only when necessary to protect the academic privacy of a student, and shall adhere strictly to the general prohibitions regarding substantive votes during executive session.

4. *Electronic*

The Commission may meet via any electronic forum that may be made subject to the control of the Chair, provided such forum is specifically designated for Commission use and a continuous record of all comments and/or postings is preserved and made simultaneously available to the general student body. While the MetroConnect Groups function meets the requirement of this Sub-Section 4, correspondence via e-mail clearly does not. Chat rooms may be utilized only if a record of the entire chat is preserved and made public. Additionally, all such forums must be conducted in such a way as to allow participation by any student in the proceedings.

5. *Format*

The Commission may elect to operate under Robert's Rules, consensus or any other method of order. However, the Commission shall at all times operate under an informal structure, adopting an interpretation of such method of order as to allow for maximum discretion and operational freedom for the Chair.

C. *Records and Writings*

1. *Minutes*

The Record-Keeper, or another designee of the Chair in her/his absence, shall keep a written record of all topics discussed and decisions made at each meeting of the Commission, and make such record available to the general public within seven (7) days of such meeting. Such minutes may be posted upon drafting, but shall only be considered verified and binding on the Commission only upon a simple majority vote.

2. *Interpretation*

The Commission may, upon its own initiative or the request of any student or college employee, choose to issue an interpretation of the applicability, in a particular case or in general, of any By-Law or Constitutional provision. The Record-Keeper, or another designee of the Chair in her/his absence, shall keep a written record of all such interpretations, and make each such available to the general public within three (3) days of issuance.

3. *Election Records*

All records, including completed Intent Forms, used ballots and all other unique papers, must be retained by the Commission, using Student Government Assembly resources appropriate to the nature of the material, for a minimum of five (5) years. Stewardship of such records may be designated to an advisor or any member of the Student Government Assembly, subject to that individual's consent. Any and all personal information submitted to the Commission by students shall be considered released by such students to the Commission for its unrestricted use.

4. *Storage*

Storage of all records except for ballots and signed documents shall be made electronically where no physical limitations prohibit such form. However, physical ballots, signed documents and all other physically retained items must be held in an area or facility readily accessible to Commissioners.

D. *Budget*

1. *Source*

All Commission funds may be sought from and shall be allocated to the Commission by the appropriate controlling authority within the Student Government Assembly.

2. *Spending*

Following allocation of funds, the Commission shall make spending decisions by a simple majority, and then submit requests to the appropriate Student Government Assembly or college personnel for verification only.

E. Other Boards

1. *Representative*

The Chair shall act as representative of the Commission to all other bodies within and without the Student Government Assembly.

2. *Communication*

The Chair and/or the Record-Keeper shall be responsible for communication on behalf of the Commission, as appropriate to the specific task.

III. RESPONSIBILITIES

A. Generally

1. *Elections*

“The Election Commission shall have the duty of running all elections which include the spring SGA general elections, special elections, referenda, constitutional amendments, or student proposals and initiatives” (Const. §XI-1-1)

2. *Integrity*

The Commission’s highest charge shall be maintaining honest and fair elections. Ultimate responsibility for the performance of this charge shall be to the student body as a whole, followed by the Student Government Assembly as an entity. Individual Commissioners are responsible for conducting the performance of their duties with integrity.

3. *Conflict of Interest*

Commissioners are individually responsible for identifying conflicts of interest, and for reporting such conflicts to the Commission as identified. Commissioners must abstain from any vote on which they are conflicted, recuse from any discussion in which they cannot be impartial, and resign their positions prior to submitting an Intent Form to the Commission for any elected position.

B. Commissioners

1. Time

Each Commissioner must, as required by the needs of the Commission, perform up to two (2) hours of Commission work during each calendar month and up to five (5) hours of Commission work per week during each election cycle.

2. Elections

Commissioners shall be responsible for participating actively in elections and election cycle events.

C. Chair

1. Time

The Chair must, as required by the needs of the Commission, perform up to four (4) hours of Commission work during each calendar month and up to ten (10) hours of Commission work per week during each election cycle.

2. Election Requests

The Chair shall be responsible for receipt of election request from any parties seeking a Commission-conducted election, and must notify the Commission of such requests within three (3) days of receipt.

3. Communication

The Chair shall be responsible for coordinating marketing efforts on behalf of the Commission. The Chair shall be the point of contact for the Commission, responsible for forwarding all messages and requests to the appropriate Commissioner(s) upon receipt.

4. Administration

As head of the Commission, the Chair shall be responsible for the operational administration of the Commission and the assembly thereof.

D. Record-Keeper

1. Time

The Record-Keeper must, as required by the needs of the Commission, perform up to two (2) hours of Commission work during each calendar month and up to eight (8) hours of Commission work per week during each election cycle.

2. *Records & Writings*

The Record-Keeper shall be responsible for records and writings, as outlined in Section C of Article II of these By-Laws.

IV. AUTHORITY

A. Generally

1. *Elections*

The Commission shall have sole and exclusive authority over all elections conducted by and on behalf of the Student Government Assembly. The Student Court shall assume appellate authority over elections and the Commission only as provided herein.

2. *Election Requests*

The Commission shall have authority over any and all elections it conducts for and on behalf of any student organization. Appellate authority shall exist only as provided by agreement with such organization.

B. Autonomy

1. *No Authority*

As the sole and exclusive arbiter of student elections, the Commission shall not cede any authority over such elections to any administrative body, office or person, except as required by state or federal law.

2. *Removal*

In the interest of fair elections, free from political pressure, and in the absence of any Constitutional provisions to the contrary, the Commission retains sole and exclusive authority over the removal of Commissioners.

V. ELECTION PROCEDURES

A. Initiation

1. *Elections*

“All General Elections shall be conducted during the spring semester” (Const. XI-5). “The elected officers of both Executive and Legislative Branches shall be inaugurated and sworn into office prior to June 1” (Const. XI-7_(1st)). The Commission shall plan and conduct such elections without notice from any other Student Government Assembly Entity.

“When three (3) or more vacancies of the Senate occur at any point in time a special election will be held to fill the vacancies. Special elections must be held within three (3) weeks after the vacancies occur” (Const. XI-7_(1st)). Such vacancies are considered to officially “occur” for Commission purposes upon receipt of written notice from the Speaker of the Senate. The Commission shall meet to schedule and plan a special election within seven (7) days of such receipt.

“Members of the student body may initiate a removal procedure by presenting a petition listing the signatures and student numbers of at least ten (10) percent of the term full-time equivalent (FTE) student body population, stating the name of the member of Student Government Assembly in question and a list of charges. Petitions for recall shall be submitted to the Student Court” (Const. §XII-7-1). “A recall election shall then be held under election policy procedures” (Const. §XII-7-2). Such petition shall be considered by the Commission to have met these requirements upon receipt of written notice from the Chief Justice of the Student Court, stating that a petition has been properly received and that sufficient signatures have been obtained. The Commission shall meet to schedule and plan a recall election within seven (7) days of such receipt.

“Special elections in the form of a referendum, initiative, or recall on specific issues shall be called by a two-thirds ($\frac{2}{3}$) vote of the Senate or by petition containing the signatures of a minimum of ten (10) percent of the full-time equivalent (FTE) student body population stating the specific issues to be resolved” (Const. §XIII-1-1). Such petition shall be considered by the Commission to have met these requirements upon receipt of written notice from the Speaker of the Senate, stating that such a vote has been made, or from the Chief Justice of the Student Court, stating that a petition has been properly received and that sufficient signatures have been obtained. The Commission shall meet to schedule and plan a special election within seven (7) days of such receipt. Amendment or replacement of the student Government Assembly Constitution shall proceed only upon meeting the requirements of this Section and only upon written verification of approval from the President, in the event of Senate-sponsored amendment, pursuant to §XIII-2-1 of the Student Government Assembly Constitution.

Elections initiated during the Spring semester, on or after February 1st, may be combined with the planned general election or presented as a special election, at the discretion of the Commission.

The Commission may approve or reject any request, at any time, from any student club or organization, for its assistance in hosting an election for that entity’ purposes, at the discretion of the Commission, with or without good cause. Commission assistance with an election shall not automatically subject such entity to the entirety of these By-Laws, but rather to the authority of the Commission to interpret applicability based on the provisions of that entity’s governing documents.

2. *Candidates*

“Students who wish their names on the ballot for the office of SGA President, Vice President, Student Trustee, or SACAB Representative shall circulate petitions and

secure not less than one-hundred (100) signatures from the student body. Students who wish their names on the ballot for the office of Senator shall circulate petitions and secure not less than fifty (50) signatures from the student body. Signatures shall be accompanied by student identification numbers for the purposes of verification pursuant to Election Commission Bylaws” (Const. XI-3). The Commission shall retain sole and exclusive authority over the generation and nature of the Intent Form, except as mandated by the Student Government Assembly Constitution. Such Form shall include a signature page with a minimum of one hundred (100) signature blanks, each accompanied by a name and identification number blank. Such Form shall be included as a part of these By-Laws, subject to similar amendment, as an Appendix herein.

B. Candidate Qualification

1. Requirements

Candidates for executive office must meet all requirements of Article X, Section 1 of the Student Government Assembly Constitution. Candidates for legislative office must meet all requirements of Article X, Section 2 of the Student Government Assembly Constitution. All candidates must meet the requirement of Article X, Section 3 of the Student Government Assembly Constitution.

Upon receipt, the Chair shall present copies of all Intent Forms to the appropriate administrative advisor, for verification of these qualifications. The administrative advisor in acceptance of this responsibility shall provide a written statement affirming each qualified candidate and rejecting each unqualified candidate. Notice of rejection must be provided to the candidate, in writing, within three (3) days of such rejection.

2. Candidacy Petitions

All candidates must meet the requirement of Article XI, Section 3 of the Student Government Assembly Constitution.

Upon receipt, the Chair shall present copies of all signatures obtained to the appropriate administrative advisor, for verification of these qualifications. The administrative advisor in acceptance of this responsibility shall provide a written statement affirming each qualified candidate and rejecting each unqualified candidate, based solely on each signor’s status as an enrolled student, without further requirement. Notice of rejection must be provided to the candidate, in writing, within three (3) days of such rejection. The Commission may, at its discretion, grant an extension of time for signature submission to any candidate having obtained ninety percent (90%) of the signatures required. Any such extension, once granted, is granted to all candidates similarly situated.

3. Confidentiality

Any and all personal information submitted to the Commission by students shall be considered released by such students to the Commission for its unrestricted use. However, in the course of such use, no private student information shall be released

to any person not a member of the Commission or its advisor without the signed written consent of the student.

C. Campaign Period

1. Intent Forms

Intent Forms shall be due from all prospective candidates to the Chair no later than thirty (30) days prior to the first scheduled day of the relevant general election, and no later than fifteen (15) days prior to the first scheduled day of the relevant special election. Subject to this requirement, the Commission shall set and publish a due date, on or before the date required herein, upon which Intent Forms are due. Such due date may be extended, the requirements of this section notwithstanding, by a simple majority of the Commission, to a point not later than fifteen (15) days prior to the first scheduled day of the relevant general election, and no later than eight (8) days prior to the first scheduled day of the relevant special election, and only upon a finding by the Commission that one or more positions(s) subject to the election will otherwise remain uncontested and/or unfulfilled and that such extension will not unduly prejudice the outcome of the election for any candidate.

2. Meetings

The Commission shall host a minimum of three (3) campaign information meetings, at which copies of the By-Laws and other materials shall be distributed, interpretations and rulings may be announced, and general information about the campaign process shall be made available to all parties. Each Commissioner shall attend a minimum of one (1) of these meetings during each election cycle. All candidates and at least one sponsor of each referendum must attend a minimum of one (1) of these meetings to remain eligible.

3. Campaigning

Campaigning shall take place between the originally set Intent Form due date and the end of the actual election, beginning on a date set by the Commission. With respect to special elections in which no candidates will participate, the Commission shall set a date for the beginning of campaigning not less than fifteen (15) days nor more than thirty (30) days prior to the first scheduled day of the relevant special election. No campaigning shall take place before the date set by the Commission as the beginning of campaigning or after the final date of the actual election.

4. Election

The Commission shall set a time period for each actual election process of not less than forty-eight (48) hours and not more than one hundred forty-four (144) hours. Subject to this requirement, the Commission shall set a time period for general elections that allows for not less than five (5) days of balloting.

5. *Review*

Subject to the other requirements of this Section C with respect to the actual election process, the Commission shall review the results of the election within seven (7) days of the close of balloting. Such review shall include tabulation, release of preliminary results, and contestation. Subject to this requirement, the Commission shall set a time period for contestation of not less than forty-eight (48) hours following release of preliminary results.

6. *Certification*

“The votes cast by the student body in general elections shall be certified and made final by no later than April 25 of each spring” (Const. XI-6).

D. Elections

1. *Accessibility*

The Commission shall take all reasonable steps to ensure balloting is accessible to all students, regardless of disability or other status.

2. *Accuracy*

The Commission shall take all reasonable steps to ensure balloting is accurately and honestly completed, subject to the requirements of Article XI of the By-Laws.

3. *Format*

The Commission shall utilize traditional balloting formats without deviation, providing ample opportunity for in-person balloting, except upon a unanimous affirmative vote of all Commissioners that non-traditional formatting is necessary to the success of an election and the full inclusion of the student body.

VI. ELECTION PARTICIPANTS

A. Candidates

1. *Positions*

The Commission shall accept Intent Forms from students for the positions of President, Vice President, Student Trustee, SACAB Representative or Senator.

2. *Singularity*

No student may submit more than one (1) Intent Form or seek more than one position thereon.

3. *Candidates*

Students submitting Intent Forms shall be treated as candidates following verification of qualifications. The Commission may choose to treat a student as a candidate prior to verification for the purposes of campaigning and/or election process requirements.

B. Campaign Groups

1. *Defined*

For general campaigning purposes, a campaign group shall consist of two (2) or more persons standing as candidates for positions to be filled in the same election, who therefore choose to share campaign resources and/or campaign in any way that gives the appearance of a joint campaign or strategy. For spending purposes, campaign group spending limits apply only to campaign groups consisting of four (4) or more persons standing as candidates for positions to be filled in the same election.

2. *Accountability*

While operating as a campaign group, all individual members and the campaign group shall each be held fully and indiscriminately accountable for the conduct of same.

3. *Assembly*

Campaign groups may assemble or disassemble upon the unanimous written consent of the members thereof. The Commission may assemble or disassemble a campaign group based on its judgment by simple majority that members exhibit the characteristics of a campaign group or of individuals campaigning, based on such members' operation under the provisions of this Section B and all of Article VII of these By-Laws.

C. Referendum Sponsors

1. *Defined*

Any person, group, committee, organization or political entity, including the Student Government Assembly or any part thereof, having participated in drafting, petition or other advocacy of any referendum, shall be considered a sponsor of said referendum.

2. *Debate*

It is the intention of these By-Laws, through any and all provisions herein, to increase rather than limit debate on referenda. As such, the Commission shall interpret the provisions of Article VII of these By-Laws to provide the maximum reasonable participation on all referendum issues. Referendum sponsors shall be assembled by the Commission into campaign groups only upon finding by simple majority that their resources are pooled and/or their message and/or presentation is identical.

D. Third Parties

1. *Defined*

Any person or group, participating in the election process for the purpose of campaigning or otherwise publicly expressing an opinion, without adopting a position in support of a particular candidate, campaign group or referendum, shall be classified as a third party under this Section D.

2. *Limited*

Third parties shall be limited to positions on the basis of which they cannot be readily assembled into a campaign group. As such, persons or groups seeking to operate as third parties may express support for a list of candidates or list of campaign groups not already assembled as a distinct campaign group. However, no candidate may act as a third party with respect to any other candidate. Persons or groups expressing support for one particular candidate, campaign group or referendum shall be assembled into a campaign group with the recipient of their support, upon a finding by simple majority that they are expressing a common proponent position.

3. *Authority*

All persons and groups choosing to participate in the campaign and/or election process in any way, lack of status as a candidate, campaign group or referendum sponsor notwithstanding, voluntarily avail themselves of the jurisdiction of the Commission, and are thus subject to each and every provision of these By-Laws and all other policy issued by the Commission.

VII. CAMPAIGNING

A. Spending

1. *Limits*

No individual candidate may spend in excess of two hundred fifty dollars (\$250) on campaign materials and related expenses. No campaign group (defined solely for the purposes of this Sub-Section 1 as four or more candidates) may spend in excess of seven hundred fifty dollars (\$750) on campaign materials and related expenses. Individual candidates, by virtue of participation in a campaign group, waive all rights to individual spending. No referendum sponsor may spend in excess of two hundred fifty dollars (\$250) on campaign materials and related expenses. No third party may spend in excess of two hundred fifty dollars (\$250) on campaign materials and related expenses.

2. *Reporting*

The Commission shall designate an e-mail address and a physical location for expense reporting. Each candidate, campaign group, referendum sponsor and third party shall be responsible for providing, by e-mail or paper submission, a current list

and summary of expenses once per week during the campaign period, as expenses occur during the actual election period and once following the actual election period, as a final statement, before preliminary results are released. This reporting must describe the sources of all funds and donations and the use to which each is put. The Commission may further provide guidelines to direct the formation of such reporting.

3. *Sources*

All parties to elections may receive donations of money and/or resources in kind from any person except another election party. Donations in kind must be assigned a reasonable value and deducted from the party's spending limit. The Commission may, upon a finding of an incorrectly calculated value by simple majority, revise any party's assigned value. However, the Commission shall not revise an assigned value without substantial contradicting evidence. Donations of non-consumable resources, such as the use of audio equipment or a space in which to conduct campaign activities, shall be assigned a null value unless a specific fee for such use is paid by the campaigner in receipt or the donating party.

B. *Materials*

1. *Defined*

Campaign materials consist of all physical resources used to deliver a campaign message or otherwise express an opinion intended to influence a vote, including, but not limited to, flyers, posters, handbills, signs, printed statements, novelty items such as key chains or pens, and clothing. Campaign materials may be designed for delivery to constituents, posting, or continual use by campaigners.

2. *Content*

The Commission shall not restrict the freedom of speech in campaigning, except as to require compliance with applicable college policy, campus policy, and state and federal law. The Commission shall provide a statement or explanation to all parties regarding the general principles of slander and libel, accompanied by a disclaimer of attorney knowledge unless review and approved by a licensed Colorado attorney.

3. *Posting*

Campaign materials shall not be posted in any way that violates campus posting policies. The Chair shall coordinate with appropriate Auraria Higher Education Center personnel regarding the latest information on what will be permissible, and shall seek the maximum flexibility from such personnel for election postings. Campaigners shall be responsible for complying with the letter of any written policies to this effect, except as notified by the Commission of any relaxation of such policies for campaigning.

C. Communications

1. *Defined*

Campaign communications consist of all person-to-person correspondence, whether directed individually or indiscriminately to members of a larger group, including, but not limited to, e-mails, letters, mailings, and phone calls.

2. *Prohibitions*

Campaigners shall comply with all college and campus policies regarding the use of “spam” and consumer mailing, and with all state and federal law. Campaigners shall not use any communication method that intrudes on the privacy of students outside the campus or college electronic forum, such as phone calls and home mailings.

3. *Lists*

Campaigners may utilize established campus lists, such as those independently managed by the Information Technology division of the college or those available on the MetroConnect Groups. However, e-mails may only be sent to such with the permission of one or more list or group administrators, and only in compliance with the provisions of Section F of this Article VII of the By-Laws.

D. Forums

1. *Defined*

A campaign forum shall consist of any public event, whether held electronically or at a physical location, at which the distribution of campaign materials, issuance of campaign communications, and/or a general discussion of campaign parties and positions is part of the planned activity.

2. *Hosting*

The hosting individual(s) and/or groups must be publicly and frequently made clear to all persons attending or participating in each forum. Forums hosted by the Commission, or otherwise purporting impartiality, shall only be conducted provided vigorous and defensible efforts to ensure a fair and impartial process are made.

E. Conduct

1. *Compliance*

All parties to an election shall be responsible for full compliance with these By-Laws, all college and campus policies relevant to election proceedings, and all state and federal laws applicable to conduct within such proceedings. However, violation of same shall only be found by the Commission upon finding of either intentional violation or failure to make a duly diligent effort to be aware of applicable rules.

2. *Appropriateness*

In the interest of free and open elections, except as necessary to the basic functioning of the election process, the Commission shall not regulate general standards of behavior of campaigners. Specifically, excepting violations as described herein, no campaigner may be punished for behavior generally regarded as inappropriate.

F. State Resources

1. *Defined*

State resources consist of any materials or equipment paid for by tuition, student fees, or state funds. Except as described in this Section F, no state resources may be used for any campaign purposes.

2. *Donations*

Campus offices or departments may donate in kind to campaigners, provided such offices or departments are academic in nature. In determining the nature of such, the Commission shall look at the senior on-site personnel. Thus, an office or department directed by a faculty member would be considered academic, while one such directed by a staff person or administrator would not. Administrative offices may not take campaign positions of any kind. Student organizations may donate in kind. All campus entities permitted to donate under this Sub-Section 2 may provide materials or other resources. Any resources provided for the use of campaigners received free of charge, such as a computer or a space on campus for campaigning, shall be assigned a null value for spending purposes.

3. *Student Resources*

With respect to resources available to all students indiscriminately, such as the computer labs and student lounges, campaigners may make use of all non-consumable resources without penalty, provided they do not interfere with normal use by non-campaigners. However, use of consumable resources such as computer paper and ink by campaigners is strictly prohibited.

G. Commission Oversight

1. *Generally*

The Commission shall be responsible for the oversight of all election-related activities, and may investigate any use or activity on its own initiative or upon request by another party. The Commission may request college assistance in investigating violations or enforcing these By-Laws.

VIII. VIOLATIONS

A. Reporting

1. Commissioners

Upon discovering a believed violation of any provision of these By-Laws, a Commissioner shall report the violation, in writing, to all other Commissioners. The Chair shall then issue temporary orders, if believed necessary, and shall convene a hearing pursuant to Section C of this Article VIII.

2. Parties

Upon discovering a believed violation of any provision of these By-Laws, a party to the election or disinterested party may report the violation, in writing, to the Chair. The Chair shall then distribute this writing to all other Commissioner, issue temporary orders, if believed necessary, and shall convene a hearing pursuant to Section C of this Article VIII. Complaints not delivered in writing as described herein shall not be considered.

B. Temporary Orders

1. Generally

Upon becoming aware of an activity to be in violation of any provision of these By-Laws, the Chair may issue a temporary order, calling for the cessation of such activity until a hearing can be convened. The Chair may only issue such order upon the belief that such order is necessary to prevent substantial harm to a fair and impartial election, and that such order will not cause such harm in itself.

2. Reversal

Upon convening of a proper hearing under Section C of this Article VIII, the Commission may reverse any such temporary orders. Such reversal shall not be considered an indication of any misconduct by the Chair.

C. Hearing

1. Notice

A hearing regarding an alleged violation may only be held following a minimum of forty-eight (48) hours written notice to the campaigner against whom allegations are made, the party harmed by the alleged activity (if any), and all Commissioners.

2. Format

A hearing shall operate as a normal meeting of the Commission, but shall include, in this order, presentation of evidence of violation, presentation of the accused's evidence, statements by all accusing persons, statements by the accused and all other

persons in defense, deliberation by the Commission on its finding, issuance of a finding, statement by one accusing person with respect to punitive measures, statement by the accused or one designated person in defense with respect to punitive measure, deliberation by the Commission on punitive measures, and issuance of punitive measures.

3. Findings

The Commission's findings shall be published in writing and made publicly available within two (2) days of issuance, and must include findings of fact and violation. Findings of fact shall include a thorough description of all actions found by the Commission to have been taken by the accused. Findings of violation shall include a thorough explanation of the Commission's application of policy or law to these found facts.

4. Punitive Measures

Standard punitive measures shall include the immediate removal of all materials and/or postings in violation and the reduction of a campaigner's spending limit by any amount, ranging from twenty-five dollars (\$25) to two hundred fifty dollars (\$250). Such reduction shall remain in effect for the remainder of the election cycle. Campaigners whose spending limits have been reduced below the amount already spent must remove and forfeit materials, at the Commission's discretion, to decrease their total outstanding campaign spending below the new limit. Any campaigner found in violation must provide a new statement of spending and must forfeit any such materials to any Commissioner within twenty-four hours of such a finding.

5. Disqualification

The Commission shall disqualify a campaigner from further participation in campaigning or in the election itself only upon a finding that the harm caused by that campaigner's violation has substantially and irreparably harmed the progress of a fair and impartial election.

6. New Elections

The Commission shall order a new election, to determine a position or referendum, only upon a finding that the democratic process has been substantially and irreparably harmed to the extent that a certifiable election outcome is no longer possible.

7. Appeals

Any findings issued or punitive measures effected under this Section D shall be subject to appeal to the Student Court only on the basis described in Article X of these By-Laws

IX. ELECTION RESULTS

A. Tabulation

1. *Balloting*

The Commission shall generate a ballot and make same available for public scrutiny not later than seven (7) days prior to the beginning of the actual election. The Commission shall make all reasonable efforts to generate a simple, understandable, fair, and impartial ballot, including random or alphabetical selection of the order of candidates for each position and the presentation of referendum language without description or proponent speech. All incumbent candidates shall be denoted as such thereon. The Commission shall hear all complaints regarding the nature of the ballot file in writing with the Chair within seventy-two (72) hours of its public availability. The ballot must include a method whereby voters can write in a candidate name.

2. *Assistance*

The Commission may solicit volunteers for assistance with the process of balloting and vote counting, and may certify such volunteers as election judges, following a duly diligent inquiry into such volunteer's impartiality.

3. *Counting*

The Commission may count ballots and results during and/or after balloting. All initial counts must be made by a minimum of two Commissioners and/or election judges. For the purpose of counting, advisors may serve as election judges.

4. *Assignment*

Following counting, the candidate with the largest number of votes for each of the five elected executive positions, President, Vice President, Student Trustee, and two (2) SACAB Representatives, shall be named the preliminary victor. The three candidates for Senator with the largest number of votes who meet the requirements of Article VII, Section 1 of the Student Government Assembly Constitution ("minimum of three (3) Senators shall be either first year or sophomore students"), as defined by the college, shall be named preliminary victors. The twelve candidates for Senator with the largest number of votes out of all remaining candidates for Senator, regardless of class standing, shall be named preliminary victors.

5. *Preliminary Results*

The Commission shall release preliminary results, including the designation of preliminary victors, within seventy-two (72) hours of the completion of balloting. The Commission may also, at its discretion, release partial preliminary results before balloting is complete.

B. Contestation

1. Violations

Allegations of violations under Article VIII must ordinarily be filed with the Chair before completion of balloting. The Commission shall consider all allegations within forty-eight (48) hours following the release of preliminary results. The Commission shall first consider whether the allegations, if true, would result in punitive measures that would substantially alter the outcome of the election, then proceed to a hearing consistent with the provisions of Article VIII only if it determines in the affirmative by simple majority.

2. Recount

Any group of three (3) candidates, three (3) referendum sponsors, or ten (10) students may petition the Commission for a first recount. Upon receiving such a request, in writing, naming one specific position or referendum to be recounted, ballots shall be manually recounted by not less than two Commissioners. Only the unanimous Commission can initiate additional recounts.

C. Certification

1. Principles

“The votes cast by the student body in general elections shall be certified and made final by no later than April 25 of each spring” (Const. XI-6). The Commission shall make a full and diligent effort to comply with this requirement. However, it is recognized that certification of a vote is necessary to the assurance of a fair and impartial election system. As such, the Commission shall not sacrifice the principles of a fair and impartial election in any way in the interest of meeting this deadline.

2. Requirements

Certification of a vote by the Commission shall require an affirmative vote by a minimum of four (4) Commissioners, or three (3) if only three exist.

3. Inauguration

“The elected officers of both Executive and Legislative Branches shall be inaugurated and sworn into office prior to June 1” (Const. XI-7^(1st)). Officers elected in special elections shall be inaugurated and sworn into office at a meeting of the body to which they have been elected.

X. APPEAL

A. Student Court

1. *Generally*

Any decision made by the Commission, including interpretations, appointments, removals, findings, punitive measures, certification, and all other actions requiring a vote may be appealed to the Student Court, in writing, within seven (7) days following such decision. For the purpose of notice, the Chair shall be the representative of the Commission, receive service, and may present the Commission's case or delegate this task.

2. *Limits*

For the purposes of review of Commission decisions, the Student Court shall be an appellate body. As such, the Court shall review cases on appeal to determine whether the Commission correctly applied the Student Government Assembly Constitution and these By-Laws, but shall not make determinations of facts already made by the Commission.

XI. SEVERABILITY

A. Generally

1. *Severability*

Subject to Amendment under Article XII of these By-Laws, all provisions herein shall remain fully in effect at all times. Should any Article, Section, Sub-Section, or clause of these By-Laws be adjudicated or otherwise determined to be inapplicable, all other such herein shall remain fully in effect.

2. *Applicability*

These By-Laws, by virtue of participation in the election process, are binding on all persons choosing to avail themselves of the Commission or any activities supervised thereby.

3. *Additional Policy*

Additional policies and interpretations, drafted by the Commission for temporary or perpetual use, are incorporated herein by reference.

XII. AMENDMENT

A. Generally

1. *Draft Procedures*

Amendment of these By-Laws may be initiated by any two (2) Commissioners or by the Chair. A draft must be presented to all Commissioners not later than seven (7) days prior to any meeting at which a vote to approve amendment may be taken.

2. *Approval*

Approval of any amendment to these By-Laws requires a unanimous affirmative vote of all existing Commissioners.

3. *Senate Review*

“The Election Commission shall maintain and update Election Commission Bylaws subject to a two-thirds ($\frac{2}{3}$) vote of the Senate and approval of the Executive Branch” (Const. XI-2). Following Commission approval, the Chair shall forward the approved amendment to the Speaker of the Senate for compliance with this process. Amendments not approved, in compliance with Article XI, Section 2 of the Student Government Assembly Constitution within twenty-one (21) days of such forwarding shall be retracted by the Chair.

4. *Timelines*

Amendment of these By-Laws shall not take place during any election cycle.

XIII. APPENDIX

A. Election Commission Article

Attachment A, being a reproduction of Article XI of the Student Government Assembly Constitution, is incorporated herein by reference.

B. Intent Form & Petition

Attachment B, being an Intent Form & Petition, to be used in all election cycles, is incorporated herein by reference.