

ASSEMBLY RESOLUTION 7-003

**A RESOLUTION TO REORGANIZE AND REVISE THE ELECTIONS CODE**

- 2 **WHEREAS,** Article VI of the Compiled Code (the “Elections Code”) is difficult to understand due to its poor organization, as violations, portions of the schedule, and details those running are scattered throughout; **AND**
- 4 **WHEREAS,** elections will run more smoothly with the introduction of a Special Prosecutor, allowing for a more impartial hearing process; **AND**
- 6 **WHEREAS,** the assignment of penalties for the various Elections Code violations should better align with the severity of violations; **AND**
- 8 **WHEREAS,** the University Elections Commission (“UEC”) can be more effective with better clarity in the rules that it is entrusted with adjudicating; **AND**
- 10 **WHEREAS,** the Elections Director and the UEC will benefit from more clearly defined roles; **THEREFORE BE IT**
- 12 **RESOLVED,** that Article VI of the Compiled Code be stricken and replaced with the attached (Appendix 1), which shall take the same heading.

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Attest

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Alex Contis, LS&A  
Speaker of the Assembly

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Vice Speaker of the Assembly

President’s Approval

\_\_\_\_\_  
Anushka Sarkar

Presented to the Assembly for *First Reads* on \_\_\_\_\_  
Presented to the Assembly for *Second Reads* on \_\_\_\_\_

Yes: \_\_\_\_\_ No: \_\_\_\_\_ Abs: \_\_\_\_\_ Date: \_\_\_\_\_

Signature Necessary: \_\_\_\_\_ Signature Received By \_\_\_\_\_ : \_\_\_\_\_

# Appendix 1

## Article VI

### A. Definitions

- a. **“Elections Code”** shall mean this Article of the Compiled Code.
- b. **“Candidate”** shall mean a person seeking office in an election held by CSG or, where applicable, a ticket seeking the offices of President and Vice President.
- c. **“Campaign”** shall mean an activity that advocates the election or defeat of a party, candidate, or ballot question.
- d. **“Party”** shall mean a group of individuals including one or more candidates and any additional individuals involved in campaigning for those candidate(s), and shall hereinafter refer to any of these individuals when acting in their capacity as members of this group.
- e. **“UEC”** shall mean the University Elections Commission as provided for in Article I, Section 4 of the Constitution and described in subsection B(c).

### B. Staff

#### a. Elections Director

- i. **Role.** The Elections Director shall serve as the elections administrator provided for in Article I, Section 4 of the Constitution.
- ii. **Eligibility.** The Elections Director must be a student and not an official of CSG within the current academic term, nor a candidate in any current CSG election.
- iii. **Appointment.** The Student General Counsel shall appoint an Elections Director with the advice and consent of the Assembly, requiring a majority vote to confirm the nomination. If the nomination is rejected or the Elections Director is removed for any reason, the appointment process shall recommence.
- iv. **Removal.** As an official of CSG, the Elections Director is subject to impeachment. Additionally, the Student General Counsel may remove the Elections Director with the consent of the Assembly, by a two-thirds majority.
- v. **Duties.**
  1. The Elections Director shall make weekly reports to the Assembly beginning the week following their confirmation and ending the week after the certification of results.
  2. The Elections Director shall verify the eligibility of all candidates for service in their intended positions.
  3. The Elections Director shall advertise the CSG election in coordination with the Executive Committee, the UEC, the Assembly, and the University Council.
  4. The Elections Director shall make candidacy applications available in the CSG Offices and through the CSG website. These materials must be approved by the UEC prior to distribution.
  5. The Elections Director shall schedule and preside at the candidates’ meeting, and shall announce its time and location at least 48 hours prior to its commencement.

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6. The Elections Director shall be responsible for ensuring the correct operation of the voting website and the candidate information website.
7. The Elections Director shall be available by some means of communication throughout the election period, and shall promptly respond to any questions received from candidates.
8. The Elections Director shall preside over meetings of the UEC as an *ex officio* member, and can vote only to break a tie.

## b. Special Prosecutor

- i. **Eligibility.** The Special Prosecutor must be a student and not an official of CSG within the current academic term, nor a candidate in any current CSG election.
- ii. **Appointment.** The Student General Counsel shall appoint a Special Prosecutor with the advice and consent of the Assembly, requiring a majority vote to confirm the nomination. If the nomination is rejected or the Special Prosecutor is removed for any reason, the appointment process shall recommence.
- iii. **Removal.** As an official of CSG, the Special Prosecutor is subject to impeachment. Additionally, the Student General Counsel may remove the Special Prosecutor with the consent of the Assembly, by a two-thirds majority.
- iv. **Duties.**
  1. The Special Prosecutor shall be responsible for overseeing the elections and shall bring complaints to the Elections Director alleging discovered violations of this Elections Code.
  2. The Special Prosecutor shall be responsible for serving as the Petitioner for any case whose complainant so requests.
  3. The Special Prosecutor shall be responsible for gathering evidence and presenting cases at hearing before the UEC when serving as their Petitioner.

## c. University Elections Commission

- i. **Composition.** The UEC shall be composed of at least five students, including at least two members from different school constituencies. No current candidate may serve on the UEC.
- ii. **Appointment.** The Student General Counsel shall submit nominations for membership of the UEC to the Assembly, which may approve any number of them by a majority vote. If at any time the UEC membership does not meet the requirements of this Elections Code, the nominations process shall recommence to remedy the deficiency.
- iii. **Removal.** As officials of CSG, members of the UEC are subject to impeachment. Additionally, the Student General Counsel may remove members of the UEC with the consent of the Assembly, by a two-thirds majority.
- iv. **Meetings.** The UEC shall meet as necessary to complete its duties. A quorum to conduct official business is defined as attendance by a simple majority of members, considering the Elections Director as a member.

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- v. **Backup Elections Director.** The UEC shall elect a Backup Elections Director from among its members, who shall remain a member of the UEC. They shall have the following additional duties:
  - 1. The Backup Elections Director shall serve as the secretary of the UEC.
  - 2. The Backup Elections Director shall ensure that all UEC opinions are made publicly available.
  - 3. The Backup Elections Director shall serve temporarily as the Elections Director if necessary.
- vi. **Duties.**
  - 1. The UEC shall assist the Elections Director in fulfilling their obligations, including approving candidacy applications prior to distribution.
  - 2. The UEC shall hear and decide upon all election complaints.
  - 3. The UEC may, at its discretion or in response to queries, issue advisory opinions regarding this Elections Code.

## C. Seats and Apportionment

### a. Assembly Seats

- i. **Apportionment.** Seats on the Assembly shall be apportioned and elected as specified by Article II, Section 2 of the Constitution.
- ii. **Vacancies.** Any seats that are vacant 7 days prior to the start of the November election shall be up for election for the remainder of the term.

### b. University of Michigan Police Department Oversight Committee

- i. **Motivation.** Pursuant to MCL 390.1511, two representative seats on the University of Michigan Police Department Oversight Committee shall be elected by the student body.
- ii. **Timing.** Elections for these seats shall be held in concurrence with the November and March elections, with one representative being elected at each to serve for a term of 1 year.
- iii. **Affiliation.** Candidates for the University of Michigan Police Department Oversight Committee may not be affiliated with a party, and must run as independent candidates. The rules and procedures for this election shall otherwise follow those outlined for CSG elections.
- iv. **Replacement.** Should a student seat on the University of Michigan Police Department Oversight Committee become vacant during its term, the President may, with the advice and consent of the Assembly, appoint a new representative to serve for the remainder of the term.

## D. Elections Protocols

### a. Candidacy Applications.

- i. **Information Required.** The individual candidacy application shall require every candidate to provide their name as it is to appear on the ballot, local address, telephone number, email address, student identification number, school(s) of enrollment, school of candidacy, and dated signature.
- ii. **Candidate Oath.** Every prospective candidate shall sign a statement attesting that all information provided in their application is truthful to the

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best of their knowledge and that they were enrolled at the University as of the end of the third week of the term in which the election occurs.

- iii. **Informative Material.** The candidacy application shall contain information for candidates including at least an election schedule with appropriate deadlines clearly marked; a complete list of positions to be elected; information on how to access the ITS acceptable use policies; and a copy of this Elections Code.
- iv. **Receipt.** The Elections Director shall provide confirmation to each applicant upon receipt of their candidacy application.
- v. **Party Application.** The party formation application shall require candidates who wish to run as a party to provide the name of the party along with the name and dated signature of every candidate wishing to run in that party.

## b. Names.

- i. **Candidate Names.** A candidate must use their own name as recognized by the University of Michigan Office of the Registrar. If they wish to use a nickname it must be added immediately before or immediately after their first name.
- ii. **Party Name Length.** No party name may be longer than 100 characters, including spaces and punctuation.
- iii. **Deceptive Party Names.** No party may use a name that is substantially misleading to students about the identity or affiliations of its candidates. No party name may include the word "independent".
- iv. **Previously Used Party Names.** No party may choose the name of another party that was properly filed in any election within the current or preceding three academic years without the written authorization of a majority or at least five of the candidates who ran with that previous party.

## c. Candidates and Parties.

- i. **Simultaneous Candidacy.** Candidates may not run for more than one CSG position in a single election period.
- ii. **Conflicting Affiliations.** No candidate shall run with more than one party, or simultaneously as an independent and with a party.
- iii. **Withdrawal of Candidacy.** Any candidate may withdraw from the election by submitting a written request to the Elections Director. Withdrawal prior to 8 days before the election shall result in removal from the ballot. Withdrawal thereafter does not guarantee removal but will result in the candidate being ineligible should they otherwise win a position.
- iv. **Party Size.** No party may run more candidates for any election than there are seats available to be elected in it.
- v. **Counsel.** Parties and independent candidates may appoint their own counsel if they choose, or may request a Student Advocate from the Central Student Judiciary to represent them at a hearing.

## d. Publicity

- i. **Elections Announcement.** The Elections Director shall send at least one campus-wide email notifying all students of their eligibility to run in elections in coordination with the release of the candidacy application,

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including at minimum the dates and hours of the election and the address of the candidate information website.

- ii. **Voting Announcement.** The Elections Director shall send one further campus-wide email within 24 hours of the start of the election informing students of their eligibility to vote and including at minimum the dates and hours of the election and the address of the voting website.

## e. Websites

- i. **Information for Candidates.** The Elections Director shall ensure that information for prospective candidates shall be publicly available through the CSG website, including at minimum the contents of this Elections Code.
- ii. **Voting.** Voting shall take place through a voting website accessible through the CSG website.
  - 1. **Site.** The voting website shall be hosted at [vote.umich.edu](http://vote.umich.edu).
  - 2. **Ballot Order.** Candidates of each party will be listed consecutively, including independent candidates as if they were members of a single additional party. The Elections Director shall randomize the order of these parties, and then randomize the order of candidate names within them.
  - 3. **Platforms.** The voting website shall allow candidates to upload a statement in text format that will appear on the ballot to eligible voters.
  - 4. **Ballot Listing.** Each candidate shall be listed with their approved name(s) and, if applicable, their party name and/or candidate platform.

## f. Elections Results.

- i. **Access to Real-Time Election Results.** Only the Elections Director and the CSG Program Manager shall have access to real-time election results.
- ii. **Tabulation of Write-In Votes.** Immediately following the completion of the election, the Elections Director shall review the results and combine all write-in votes for each candidate under their name.
- iii. **Disqualified and Ineligible Candidates.** After tabulation of write-in responses, the Elections Director shall remove any disqualified or ineligible candidates, adjusting the final positions of other candidates accordingly.
- iv. **Requirements of Reporting.** Election results must include, for each election, the number of seats available, the names of the eligible candidate(s) who received votes, the number of votes each candidate received, the number of votes stricken, and the total number of votes cast.

## g. Post-Election Procedures

- i. **Unofficial Results.** At 24 hours after the close of voting, the Elections Director shall distribute unofficial results, having had write-in votes tabulated and disqualified or ineligible candidates removed but noting their numbers of votes, to all candidates, including a notice that said results are unofficial.
- ii. **Official Results.** Once all pending cases and appeals have been resolved, the UEC shall certify the results of the elections, making them official. The

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Elections Director shall promptly distribute official results to all candidates and make them publicly available through the CSG website.

- iii. **Write-In Candidates.** Once official results have been released the Election Director shall notify via email elected write-in candidates of their election but that written acceptance of their position is required to be seated. After being notified, write-in candidates must provide written acceptance within 10 days of the UEC certifying the results, or the seat will be left vacant.
- iv. **Debriefing the Assembly.** The Elections Director shall debrief the Assembly of the election no later than two weeks following the certification of election results. This communication shall include at minimum a report of election results and suggestions for how to improve future elections.
- v. **Seating of New Members.** Candidates winning seats shall take them after election as per Article 1, Section 4 of the Constitution. Until they are seated, their predecessors shall remain in office otherwise removed.
  1. **Oaths of Office.** The President shall, before beginning their term, take the following oath: "I promise to faithfully execute the office of Central Student Government President." This oath shall be administered by the Chief Justice of the CSJ. The Vice President shall, before beginning their term, take the following oath: "I promise to faithfully execute the office of Central Student Government Vice President." This oath shall be administered by the Associate Chief Justice of the CSJ.

## E. Schedule

- a. **Dates of Voting.** No later than 45 days before the start of the election, the Student General Counsel shall recommend to the Assembly the dates on which to schedule the March and November elections. These shall be held for two consecutive weekdays occurring no earlier than five weeks before the last day of classes for the Winter and Fall semesters, respectively.
- b. **Nominations for Elections Staff.** No later than 42 days before the start of the election, the Student General Counsel shall submit nominations for Elections Director, Special Prosecutor, and UEC to the Assembly.
- c. **Changes to this Elections Code.** The Assembly may not approve any changes to this Elections Code less than 32 days prior to an election.
- d. **Candidacy Applications.** No later than 31 days before the start of the election, the Elections Director shall make candidacy applications available in the CSG Offices and through the CSG website, and shall issue a campus-wide email notifying students of their eligibility to run.
- e. **Filing Deadline.** No later than 5:00 p.m., 17 days before the start of the election, prospective candidates must file their candidacy applications with the Elections Director, and party names shall be posted immediately thereafter.
- f. **Challenging Party Names:** Concerns about party names must be submitted to the Elections Director within 24 hours of their posting.
- g. **Candidates' Meeting.** The Elections Director shall hold a required meeting of all candidates. This meeting shall be held after the deadline for candidacy applications but no later than 14 days prior to the election.

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- h. Campaign Period.** The official campaign period commences immediately following the Candidates' Meeting with the Elections Director and ends at the close of voting.
  - i. Sample Ballot.** No later than 7 days before the start of the election, an official sample ballot shall be posted on the voting website and in the CSG Offices.
  - j. Campaign Finance Deadline.** All completed fundraising and expenditure disclosure forms and supporting materials shall be submitted to the Elections Director before the start of the election. No further donations or expenditures may be made after submission.
  - k. Unspent Campaign Funds.** Within one week after the close of voting, all unspent funds shall be reported to the UEC and must be donated to SOFC or returned to donors in quantities no greater than those donated.
- F. Rules and Regulations for Campaigns**
- a. General Provisions**

    - i. Scope and Penalties.** All campaigns for CSG elections shall be subject to the rules and regulations found in this Elections Code, and violations shall be punishable by the issuance of demerits to candidates and/or parties.
    - ii. Demerits.** Each demerit includes a penalty revoking 3% of violator's total weighted votes; in the case of parties, this penalty will apply to each candidate of that party. Hereafter, a demerit is assumed to include this penalty.
    - iii. Jurisdiction.** The UEC shall hear cases involving the alleged violation of any campaign rule, and shall determine whether to assess demerits if a violation is found to have occurred.
    - iv. Mitigating Factors and Warnings.** The UEC may find a party guilty of a violation but assess fewer demerits than suggested, or no demerits, if it finds sufficient cause to do so due to the presence of mitigating factors. The issuance of zero demerits despite a finding of guilt shall be called a warning. The UEC must state its reason(s) for issuing fewer demerits; this determination is reviewable *de novo* by the CSJ.
    - v. Disqualification.** Any candidate accruing 5 demerits shall be automatically disqualified from the election. Any party which receives 10 or more demerits, not counting those separately received by its candidates, shall be automatically disqualified from the election, causing its candidates to be disqualified from their respective elections.
    - vi. Duration of Effect.** Campaign rules shall apply to all campaign activity undertaken prior to the close of voting. In particular, candidates are responsible for conduct prior to the official campaign period, as they are not permitted to campaign, but the UEC will not hold a hearing or issue penalties until after the start of the campaign period.
    - vii. Other Policy.** Candidates are encouraged to read and become familiar with all relevant University and residence hall policies that may affect their campaigns; however, the UEC may not hold candidates responsible for violations of any policy outside of this Elections Code.
  - b. Rule of Required Attendance**

    - i. Candidates' Meeting**

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1. **Attendance.** Candidates must attend the mandatory Candidates' Meeting unless prevented from doing so by a religious holiday recognized by the office of the provost, serious illness or medical procedure, death of a family member, University-sponsored athletic obligation, professional or academic commitments, or other serious circumstance. Candidates must provide appropriate documentation to the Elections Director of any of these circumstances to avoid being in violation of this rule.
  2. **Penalty.** Violations shall result in the assessment of at most 1-2 demerits.
- c. **Rules for the Campaign**
- i. **Campaign Period**
    1. **Limitation of Campaigning.** Candidates and parties may not campaign outside of the official campaign period.
    2. **Penalty.** Violations shall result in the assessment of at most 4 demerits.
  - ii. **CSG Endorsements**
    1. **Prohibition.** No person or entity within CSG shall, in their official capacity for CSG, endorse any candidate or party. Officials may make endorsements provided that they are in an individual capacity, with the exception that elections staff may not make endorsements under any circumstances.
    2. **Penalty.** Violations shall result in the assessment of at most 1-2 demerits.
  - iii. **Use of Complaint Procedure**
    1. **Frivolous complaint.** No candidate or party may file a frivolous complaint. An election complaint is frivolous if it fails to meet the requirements of standing, timing, identification of Respondent, alleged violation, and supporting evidence.
    2. **Timing.** Complaints alleging violation of this rule must be filed within 24 hours of the allegedly frivolous complaint. They also permit a unique ruling by the UEC, which may find a complaint to be frivolous but recommend its amendment. If upon resubmission the complaint is still found to be frivolous, then its complainant shall be found in violation of this rule.
    3. **Penalty.** Violations shall result in the assessment of at most 1-2 demerits.
  - iv. **Use of Email Privileges.**
    1. **Email to Non-Students.** No candidate or party may send campaign related emails to any person who is not a student at the University.
    2. **Email Group Ownership.** A candidate or party may not send campaign related emails to an email group unless the group is owned by that candidate or a member of that party through mcommunity.umich.edu and was created for campaign purposes as indicated by the group name.

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3. **Email Harvesting.** Candidates and parties are prohibited from collecting student email addresses for campaign purposes outside of the campaign period or from other email groups.
4. **Penalties.** Violations shall be based on the number of ineligible email recipients, resulting in the assessment of the following maximum penalties:
  - a. <40 recipients: 1-2 demerits.
  - b. 40-99 recipients: 3-4 demerits.
  - c. 100+: 4+ demerits.

## v. Campaign Materials

1. **Definition.** Campaign material shall include any use of a communication medium for the purpose of campaigning.
2. **Identification.** All campaign material including text or images must be identified by a statement in the form: "Paid for by <address>", where <address> is a valid email address of the candidate or party. Buttons and clothing are exempt from this rule.
3. **Posting Areas.** No campaign materials may be affixed on or in any University building except in designated posting areas.
4. **Implying Elected Incumbency.** No campaign material may falsely state or imply incumbency in any CSG position. Candidates may not use the word "reelect" unless previously elected.
5. **Endorsements.** Authorization must be obtained in writing from a person or entity prior to the inclusion of a claim of their endorsement in any campaign material.
6. **Destruction of Campaign Material.** No candidate or party may move, obscure, damage, destroy, deface, remove, or alter the campaign material of another candidate or party. Removal from private property by the property owner shall not constitute a violation of this rule.
7. **Penalties.** Each 50 units of a single duplicated campaign material shall constitute a single violation. Violations shall result in the following maximum penalties:
  - a. Missing ID: 1-2 demerits.
  - b. Prohibited areas: 1-2 demerits.
  - c. Implying incumbency: 1-2 demerits.
  - d. Illegal endorsement: 3-4 demerits.
  - e. Destruction of material: 3-4 demerits.

## d. Rules of Voting

### i. Bribery and Influence

1. **Bribery.** No candidate or party may offer compensation of any substantial form in exchange for a vote for or against any candidate or party.
2. **Influence while voting.** No candidate or party may attempt to influence a student while that student is in the act of voting. The presence of a candidate or party in the vicinity of a voter while

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voting, in the absence of influence, shall not constitute a violation of this rule.

**3. Penalty.** Violations shall result in the following maximum penalties:

- a. Bribery: 4+ demerits.
- b. Influence: 4+ demerits.

## ii. Fraud and Obstruction

**1. Fraud.** No person may cast a ballot, or access the voting website, using an identity or credentials that are not their own.

**2. Obstruction.** No person may interfere with a student's ability to cast a ballot.

**3. Penalty.** Violations shall result in the following maximum penalties:

- a. Fraud: 4+ demerits.
- b. Obstruction: 4+ demerits.

## e. Rules of Finance

### i. Spending Limits

**1. Individual Candidates.** Each candidate in an individual race shall spend at most \$50 on their campaign.

**2. Presidential Tickets.** Each presidential ticket shall spend at most \$1,000 on their campaign.

**3. Parties.** Each party shall spend at most \$1,000 for their presidential ticket, if applicable, plus \$50 per candidate for an individual race. Party candidates' separate expenditures count toward the party limit.

**4. Penalty.** Violations shall result in the assessment of at most 3-4 demerits.

### ii. Donations

**1. Eligible donors.** Students eligible to vote in CSG elections shall be eligible to donate to candidates running in those elections.

**2. Donation Limits.** A donor may donate up to \$25 to each individual campaign, up to \$100 to each presidential ticket, and up to \$150 total to all campaigns in one election period. Candidates' contributions to their own campaigns count towards these limits.

**3. Party Donations.** Parties may raise money on behalf of individual candidates and presidential tickets in accordance with the other limits on such fundraising.

**4. Prohibited Donors.** All individuals and organizations not covered by this Section are forbidden from donating to campaigns.

**5. Penalty.** Violations shall result in the assessment of 3-4 demerits to recipients of invalid donations.

### iii. Campaign Finance Disclosure

**1. Finance Form Distribution.** The Elections Director shall make campaign finance forms available at the candidates' meeting and on the candidate information website.

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2. **Finance Form Requirements.** The campaign finance form shall include at least:
  - a. Spaces for the names, amounts donated, and signatures of donors.
  - b. A space for the total amount spent by the party or campaign, and spaces for individual campaign or ticket expenditures.
  - c. A space for the candidate or designated party leader to certify the report.
  - d. A listing of all financial deadlines, spending limits and donation eligibility requirements.
  - e. Any necessary instructions for filling out the form.
  - f. Contact information for the Elections Director.
3. **Purchase Documentation.** Parties and candidates must submit receipts with their campaign finance forms documenting campaign purchases.
4. **Party Filings.** Parties shall file expense reports on behalf of their candidates listing both individual and party expenditures. Candidates running with a party do not need to file their own campaign finance forms.
5. **Submission Deadline.** Parties and independent candidates must submit completed campaign finance forms with appropriate documentation by the deadline specified in Section E.
6. **Transparency of Campaign Finances.** Completed forms shall be made publicly available through the CSG website within 24 hours of the submission deadline.
7. **Advance Spending.** Funds may be raised and spent prior to the official campaign period as long as they meet the requirements of this Section.
8. **Unspent Campaign Funds.** All unspent funds shall be reported using campaign finance forms and must be donated to SOFC or returned to donors, up to the quantities donated, by the deadline specified in Section E.
9. **Penalty.** Violations shall result in the assessment of at most 3-4 demerits.

## G. Election Complaints

### a. Requirements of a Complaint

- i. **Standing.** Any University student, faculty member, staff member, or alumnus, with the exception of the Elections Director and other members of the UEC, may file a complaint with the Elections Director alleging a violation of the campaign rules.
- ii. **Timing.** Complaints must be filed prior to 24 hours after the close of voting.
- iii. **Respondent(s).** Complaints must identify the Respondent(s) alleged to have violated this Elections Code.

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- iv. **Violation.** Complaints must identify the rule(s) of this Elections Code which the Respondent(s) are alleged to have violated.
- v. **Evidence.** Complaints must provide sufficient evidence to sustain plausible suspicion that the alleged violation has occurred. Cause of action alone, or conclusions lacking support, shall not be sufficient.

## b. Procedures of a Complaint

- i. **Identification of the Petitioner.** At the time of filing a complaint, the complainant may designate that they wish the Special Prosecutor to serve as the Petitioner for the remainder of the case. Should they choose to do this, the Special Prosecutor shall take on the role of Petitioner, and be furnished with the content of the complaint, including any associated evidence. Otherwise, the complainant shall become the Petitioner.
- ii. **Receipt.** Upon receipt of a complaint, the Elections Director shall deliver copies of it to each Respondent, to the other members of the UEC, to the Student General Counsel, to the CSJ and, if applicable, the Special Prosecutor.
- iii. **Withdrawal.** At any time during the complaint process, the Petitioner may withdraw it from consideration by the UEC. Upon withdrawal, the complaint is canceled, and no further action may be taken on it. A complaint that has been withdrawn shall not be considered in substantially similar form from the same complainant.
- iv. **Response.** The Respondent may file a written brief to the UEC within 24 hours of a complaint's delivery.
- v. **Burden of Proof.** In evaluating a complaint, the UEC and the CSJ shall assume that the allegations set forth in the complaint are not true. The Petitioner must demonstrate them to be true with clear and convincing evidence. If a UEC decision is appealed to the CSJ, findings of fact are reviewed using a *clearly erroneous* standard and other findings are reviewed using a *de novo* standard.
- vi. **Appeals.** The Respondent and/or Petitioner may appeal a decision or non-decision of the UEC to the CSJ within 24 hours of its delivery.

## c. Hearing Procedures

- i. **Scheduling the Hearing.** Within 48 hours of the receipt of a complaint, provided that the Respondent has filed a response or been permitted 24 hours to do so, the UEC shall hold a hearing. The Petitioner and Respondent shall both be notified of the date, time, and location of the hearing, which shall be open to the public; notice shall be given through the CSG website at least 12 hours prior to the hearing.
- ii. **UEC Quorum.** A hearing shall not commence without the presence of a quorum of the UEC membership.
- iii. **Timing.** The Petitioner and Respondent shall each be allowed a maximum of thirty minutes total, to be divided between an opening statement, a presentation of their case, and a closing argument. The Petitioner shall take each of these before the Respondent. In addition, opening statements shall be limited to at most five minutes, and closing statements to ten minutes.

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- iv. **UEC Decision.** After the hearing, the UEC shall retire to a meeting. The decision of the UEC must be written, and must be delivered to the Petitioner and the Respondent within 36 hours of the hearing.
- v. **No Decision.** Failure of the UEC to reach a decision, or to deliver a written opinion within 36 hours of the hearing, shall be considered to be finding of no violation, and the complaint shall not be further pursued by the UEC.

## d. Assessment of Penalties

- i. **Violations by a Candidate.** If the UEC determines that a candidate has violated a rule on behalf of their own campaign and decides to assess a penalty against that candidate, that penalty shall only apply to that candidate.
- ii. **Violations by a Respondent Allegedly Acting on Behalf of a Candidate(s) or a Party.** Candidates and parties are responsible for educating others involved in campaign activities about this Elections Code. Accordingly, the UEC shall have the power to assess an appropriate penalty against the candidate(s) or party with whom the Respondent worked. The UEC shall use the following procedure to address complaints against an individual Respondent allegedly acting on behalf of a candidate or party:
  1. The UEC must determine if that individual worked with or at the request of the candidate or party.
  2. The UEC must determine if the Elections Code was violated.
  3. The UEC must determine if the Elections Code violation occurred within the parameters of what the candidate or party requested the Respondent to contribute to the campaign.

**H. Petitions and Ballot Questions.** This Section applies to all questions placed on the ballot in a CSG election. All Rules and Regulations for Campaigns, with the exceptions of the Rule of Required Attendance and the Rules for Finance, also apply to anyone campaigning for a ballot question.

- a. **Submission.** Any intended ballot question must be submitted to the Elections Director at least 25 days before the election, who shall notify the CSJ of the submission.
  - i. In the case of a petition, two copies of the petition, including the original document, shall be submitted to the Elections Director, for distribution to the CSG Program Manager and the CSJ.
- b. **Judicial Review.** The CSJ shall examine each ballot question at a hearing no later than 17 days before the election to verify that the ballot question complies with applicable requirements of the Constitution and the Compiled Code, including this Section. The CSJ may not bar a referendum question for any other reason. Submitter(s) of a ballot question may appeal a rejection for re-hearing by the CSJ within 24 hours of the decision, and the CSJ shall resolve the appeal no later than 14 days before the election.
- c. **Form of Petitions.** All petitions for ballot questions shall be in the form outlined below, and possess signatures as specified by Article VII of the Constitution.
  - i. **Title.** The title of the intended ballot question shall be stated entirely in uppercase letters at the top of each page of the submission.

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- ii. **Text.** The submission shall contain the full and exact text of the intended question. The question must be worded in a manner that is accurate, fair, concise, and reflective of the content of the intended action.
- iii. **Signatures.** Below the full text on each page of the submission shall appear the words, "We, the undersigned currently enrolled students, petition for a campus-wide vote on the proposal above." Each signer must provide their signature, their printed name, their student identification number, and their unqiename.
- iv. **Circulator's Statement.** At the bottom of each page of a submission there shall be the following statement: "I have circulated this petition and believe all of the signers to be currently enrolled students." This statement shall be signed by the circulator with the date upon which the petition was circulated. The petition shall also state the names of its sponsors.
- v. **Distribution and Verification of Signatures.** If applicable, no more than 80% of the signatures can be from one school or college. Student status must be verified by checking no less than 100 of the unqienames online or with the Registrar's Office.

