

## ELECTION PROCEDURES AND RULES ACT OF 2010

### I. Application of this act

A. This act shall govern all Student Government elections at University of Kentucky. Specifically, these elections include spring elections for the Senate and President and Vice-President, and fall elections for Freshman Senate.

B. When there is any contradiction between this act and the Bylaws of the University of Kentucky Student Senate, these rules shall supersede those bylaws.

1. This act shall not be read to conflict with the Election Expenditure Act.

C. This act serves as the primary source of fall and spring Student Government Election rules pursuant to the Student Government Constitution and shall supersede all previous acts and policies establishing procedures and rules for Student Government.

D. Any questions of law regarding this election act, its meaning, its application, and its enforcement shall be decided by a majority vote of the Student Government Supreme Court.

### II. Definitions

#### A. Campaign Material

1. Any banner, poster, handbill, web page or social media account, email document, auditory or visual recording, location-based marketing material (i.e. SnapChat filters) or other device that is intended to influence voting at an election.

#### B. Candidate Platform

1. A candidate platform shall be defined as a statement from the candidate or candidates describing their positions.

2. Candidate platforms shall be subject to all guidelines regarding campaign material except where otherwise noted.

3. Each candidate platform shall not exceed five-hundred (500) words.

4. The Elections Board of Supervision shall not accept campaign platforms after the deadline for which candidate petitions are accepted.

5. The Elections Board of Supervision shall make the campaign platform available via the Student Government website within two (2) business days following the candidate eligibility and verification process.

6. The Elections Board of Supervision shall make the campaign platform available at the polling locations during designated polling times, but must do equally for all candidates who have presented a candidate platform.

#### 7. Editing and Changing Campaign Platforms

1. The Elections Board of Supervision shall not make changes or edits of campaign platforms after the deadline for filling campaign platforms.

2. The Elections Board of Supervision may at their discretion make changes or edits that immaterially change the campaign platform.

a. Immaterial changes include only grammatical corrections.

3. The Elections Board of Supervision may shorten the length of any platform statement that exceeds the maximum limit to 500 words.

8. The Elections Board of Supervision shall not accept or use images in union with a campaign platform.

C. Eligible Voter

1. An eligible voter shall be defined as a currently enrolled student at the University of Kentucky.

2. The final test for eligibility shall be the list provided by the Registrar, subject to appeal.

D. Candidate for office

1. A candidate for office shall be defined as any person seeking an office in Student Government who has filed a petition with Election Board of Supervision. Eligibility is defined below.

E. Elections Board of Supervision

1. The Student Government President with the approval of the majority of the Senate, in accordance with the Constitution of the Student Government and their respective Bylaws, shall appoint the Elections Board of Supervision. The Elections Board of Supervision Chair shall be appointed by the Student Government President.

2. No persons affiliated with a campaign, including a candidate for office, may serve on the Elections Board.

a. "Affiliated with" is defined as openly endorsing a campaign.

3. The Elections Board shall have at least four (4) members in addition to the Elections Board of Supervision Chair.

a. Nominations shall be presented to Full Senate at least one month prior to Freshman Elections.

b. The Elections Board shall be responsible for answering any questions of fact regarding elections procedures.

F. Pollster

1. Only members of the Elections Board of Supervision shall monitor a polling location.

a. A pollster includes students designated to work at the polling location.

G. Polling Location

1. A polling location shall be defined as the area within twenty-five feet of an official voting location designated by the Elections Board of Supervision on the day of the election.

2. A portable computer shall not be considered a polling location unless specifically designated to be such by the Elections Board of Supervision.

H. Campaign Purposes

1. Using campaign material to influence voting for or against one or more particular candidates for office at an election.

I. Election Day

1. Shall be designated by the Election Board of Supervision to consist of a minimum of eighteen (18) hours over two (2) days.

J. Banner

1. Campaign material larger than 13 x 19 inches.

K. Poster

1. Campaign material sized 13 x 19 inches or less that is to be posted

L. Handbill

1. Campaign material sized 8.5 x 11 inches or less to be distributed by hand.

M. Ticket

1. Two or more candidates or candidates' staff campaigning jointly. Senatorial campaigns should be independent from all other Senatorial Campaigns.
2. Candidates cannot appear on campaign materials with other candidates, including but not limited to, banners, posters, handbills, social media accounts, and other promotional materials.
3. Candidates and campaign staff may not exhibit support, electronic, verbal or written, for other candidates running in their election or candidates running in the President Vice Presidential Election.

III. Candidate Eligibility

- A. As defined by Article VI – Elections Section 3. Filing Requirements and Procedures of the University of Kentucky Student Government Constitution

IV. Campaigning

- A. Candidates for office are responsible for familiarizing themselves with and following all applicable University, Election Board of Supervision, and Student Senate policies.

B. Upon filing of candidate petition, all candidates must sign a statement that they will adhere to all elections by-laws. If not signed, their nomination will be declared invalid by the Election Board of Supervision. This statement is to be turned in along with the petition form.

C. All candidates must attend all election meetings including an election forum to be held within three school days after the nominations are closed.

D. No campaigning may take place at any polling location during polling hours on the election days, nor may any campaign material be present at a polling location during polling hours.

1. This shall exclude candidate platforms received and approved by the Elections Board of Supervision.

2. Campaign material within the campaign free zone prior to the zone being designated by the Election Board of Supervision shall be removed by an election official prior to opening the poll.

E. No candidates are allowed within twenty-five (25) feet of any on-campus poll at any time while the poll is open except the following:

1. When a candidate is casting his or her vote.
2. Exempting incidental traffic flow through the hall in which the candidate lives, works or attends class.
3. The candidate is removing campaign materials at the direction of the Election Board of Supervision.
4. The Elections Board, in collaboration with the Marketing Committee, shall organize the promotion of candidate applications. They shall also organize the education of students

as to SGA activities and advocacy of election day voter participation beginning at least three (3) weeks prior to election day.

- a. Methods may include tabling, handbilling, and social media activities. Campaign Platforms may be made available, doing equally for all candidates who have presented a candidate platform.

F. Neither verbal campaigning nor campaign materials shall be allowed within twenty-five (25) feet of the polls while polls are open if applicable.

G. University of Kentucky Libraries and University of Kentucky Student Computer Labs shall be designated as campaign-free zones on election days.

H. Door-to-door campaigning is not allowed in residence halls.

I. Forums and campaigning may take place in residence halls in compliance with Residence Life regulations.

J. Candidates may hold forums with any student organization provided it is approved by that organization's president.

K. Libelous or slanderous campaigning shall be subject to sanction by the Student Government Supreme Court.

L. No Activities Fee money shall be used for campaigning purposes.

1. This shall exclude the Elections Board of Supervision reproducing candidate platforms approved by the Elections Board.

M. No person may personally or through an agent intimidate, harass, use or threaten the use of force, violence, or restraint in order to compel or induce any person to vote, abstain from voting, or vote or abstain from voting for a particular candidate or referendum.

N. No student may set up a computer or other electronic device to be used as a polling location for the purpose of soliciting votes.

1. This does not include polling locations designated by the Elections Board of Supervision.

O. All candidates and their staff must adhere to all elections policies and applicable institutional policies during the election period. Unless otherwise allowed under the elections by-laws and policies, all candidates must adhere to applicable university policies, municipal policies and laws, and state policies and laws.

P. Additional policies and procedures approved by the Election Board of Supervision and this Senate for the purpose of managing the elections process may be promulgated in addition to this act and must be adhered to by all candidates and staff. All additional policies will be provided to candidates prior to the start of any campaign period.

Q. Campaign expenditure amounts and provisions shall follow the Election Expenditure Act

R. No Student Government resources shall be used to support any candidate unless those resources are available to all candidates.

S. All campaign emails sent to multiple voters must have all email addresses in the blind carbon copy (Bcc) line

1. Any voter that requests to be removed from campaign emails must be removed from all campaign mailing lists within 36 hours

T. No candidate may use ticketing as a campaign strategy, as defined above in Section II.

#### V. Violations

A. If a candidate is found to have violated any of the policies outlined in Section IV above, the Student Government Supreme Court can sanction the candidate as follows:

1. The Supreme Court may choose to warn the candidate in written or oral form that he or she has violated the Student Government Association Elections Policies and notify them that further violations can result in revocation of candidacy or nullification of the candidate's votes.
2. The Supreme Court may place a fine on a candidate for campaign violations up to twenty five dollars (\$25) per violation, not to exceed one hundred dollars (\$100) per election per candidate.
3. The Supreme Court may choose to revoke the candidacy for students who have violated State or Federal laws, University guidelines, Student Government Constitution, or the Student Code of Conduct, with or without warning. This includes violations related to unethical or dishonorable conduct.
4. The Supreme Court may choose to nullify all votes, or a percentage of votes of the votes for a candidate, if violations are reported after the polling is closed for the aforementioned conduct, with or without warning.
5. All rulings by the Supreme Court of a disciplinary nature may be referred to the Dean of Students.

B. If a candidate is found to have violated campaign expenditure limits the Student Government Supreme Court shall sanction the offending candidate as follows:

1. When the campaign expenditures exceed the limit by less than the greater of amount twenty-five dollars or five (5) percent, the offending candidate's total votes shall be decreased by ten percent.
2. When the campaign expenditures exceed the limit by the greater amount of twenty-five dollars or five (5) percent or more, the offending candidate shall be disqualified.

C. If a candidate is found to have violated specific policies outlined in section IV, the Student Government Supreme Court shall sanction the offending candidate as follows:

1. If subsection G, H, or K under Section IV is violated the offending candidate's total votes shall be decreased by no less than 10% per subsection violated. This percentage may be increased at the discretion of the Supreme Court.
2. If subsection M, N, or T under Section IV is violated the offending total votes shall be decreased by no less than 25% per subsection violated. This percentage may be increased at the discretion of the Supreme Court.
3. For all other subsections under Section IV the Supreme Court may choose to nullify all votes cast, or a percentage of the votes of a candidate, or level any other sanctions permitted under Section V.

#### VI. Voting Procedures

#### A. Online Method

1. At least two (2) computers with a connection to the online ballot shall be set up at each polling location. These computers shall be designated the polling locations.
2. The Elections Board of Supervision shall designate a minimum of two polling locations.
3. At least two pollsters shall be present at the polling location at all times.
4. The Elections Board of Supervision shall maintain a secure web site, updated in real time, containing online ballots and a voter verification database containing data provided by the Registrar. The web site shall also contain links to candidate platforms, the election rules, and directions for reporting errors.
5. If a student claims to meet the criteria to be a voter, but is not able to log into the system as a valid user, then the pollsters shall require a photo ID and will follow the procedure for double enveloping.
6. Voters shall cast their votes using this secure web site from the polling computer(s) or any other computer connected to the internet.

#### B. Double Enveloping

1. The pollster shall give the voter two envelopes and paper ballots for each position.
2. The voter shall mark their vote on the ballots and then seal the ballot in the first envelope.
3. The first envelope shall then be sealed in the second envelope, upon which the pollsters shall then write the voters name and student identification number, the name of the pollsters, and a description of the problem.
4. This method shall not be employed unless a voter claims to be eligible but is not entered in list of eligible voters, or claims not to have voted but is marked as voted.
5. The Elections Board of Supervision shall review these ballots and determine which students were eligible voters. The ballots of eligible voters shall then be added to the vote tally.
6. The Closed Kiosk Method shall be the preferred system of voting.

#### VII. Timeline

- A. The Elections Board of Supervision shall be established by five (5) weeks prior to prior to the spring election and three (3) weeks prior to the fall election.
- B. The Elections Board of Supervision shall no later than three (3) weeks before the election present for approval to the Senate the following:
  1. The location of the election polls
  2. The times of operation of each election poll.
  3. The promotional efforts of the Board (see section II.E.4).
  4. Any additional procedures and policies for the purpose of managing the election.

#### VIII. Election procedures

- A. The election method shall be Online Method as well as polling locations.
- B. Upon completion of the Vote Counting, the Elections Board shall notify all candidates of their status within one day and make the results public within the same time frame.

C. Determining a Winner in Presidential/Vice-Presidential Election

1. A Presidential/Vice-Presidential ticket shall be declared winner if they receive fifty (50) percent plus one vote of votes cast in the election.
2. If no ticket receives fifty (50) percent plus one vote of votes cast in the election, the ticket that receives the most votes shall be declared winner if the margin of victory is greater than or equal to ten (10) percent of votes cast.
3. If no ticket receives fifty (50) percent plus one vote of votes cast in the election AND the margin of victory is not greater than or equal to ten (10) percent of votes cast, a runoff election in which the top two tickets shall be on the ballot shall be held within five (5) business days of the general election. The ticket that receives a simple majority (fifty percent plus one) of votes cast shall be declared winner.

C. If a candidate declines a position, the eligible candidate with the next highest percentage of votes shall be offered that position.

D. The Elections Board of Supervision shall be responsible for all elections procedures, excluding election publicity, setting the polling locations, and provision of necessary funds or materials, but including the following:

1. Maintaining the list of eligible voters.
2. Validating election petitions.
3. Compiling the list of ballot-eligible candidates into ballots.
4. Investigating any election irregularities or campaign violations reported.
5. Deciding any questions or disagreements regarding elections not specifically answered in this document or the Constitution of the Student Body.

E. The Student Supreme Court may, upon violation of any procedure and at its discretion, invalidate the election results and call for a new election.

IX. Vote Counting

A. At least four members of the Elections Board, a professional staff representative of the Office of Student Involvement, and the Elections Board of Supervision Chair shall be present at the vote counting.

B. No student not on the Elections Board of Supervision shall be present.

C. The vote counting shall take place within twenty-four (24) hours of the closing of the polls.

D. The results shall be unlocked and their numbers tallied by the computer voting scripts. Any obviously misspelled names shall be corrected and added to the tally.

E. No counters may leave during the counting, except at the discretion of the Elections Board of Supervision Chair.

F. The Elections Board of Supervision shall determine, via majority vote, the validity of the elections upon completion of the vote counting.

G. The results shall not be final until certified by a majority of the Supreme Court at the Election Review Hearing. Said results will be enacted upon swearing in by the Student Supreme Court Chief Justice.

H. The total number of votes for each candidate will not be disclosed until after the Supreme Court has met and entertained all claims submitted for any given election. Once the Supreme Court has met, the final tally may be released to the public. Prior to this, only the 4 members of the Elections Board, the professional staff representative of the Office of Student Involvement and the Elections Board of Supervision Chair may view or be privy to the number of votes cast and the number received by each candidate.

## X. Campaign Materials

### A. Restrictions on the Placement of Campaign Materials

1. Signs posted inside the residence halls must comply with Residence Life regulations.
- w. There shall be no posters in classrooms.
  - a. Classrooms are defined as rooms where at least two different University-administered classes occur weekly during the semester in which the election is held.
3. No campaign material, writing or paint may be placed on the ground (e.g. sidewalks, roads, driveways) or living material.
4. Posters may not be placed on any glass, elevators, or painted surfaces, in accordance with UK's Administrative Regulations Governing the Use of University Facilities by Registered Student Organizations.
5. Campaign materials may not be placed on bulletin boards designed for use by campus organizations.
6. Each campaign must use discretion not to damage University property.

### B. Elections Board of Supervision Approval of Campaign Materials

1. The Elections Board of Supervision must approve any posters in advance, in order for candidate posters to comply with the Student Government policies.
2. No poster may be displayed on campus area property without the official seal of the Elections Board of Supervision.

C. No person may bribe, give, or lend anything of over one dollar (\$1.00) in value in order to induce a person to vote for or against a candidate or referendum or refrain from voting altogether.

D. The Number of Campaign Materials Shall be limited by the following provisions:

- a. Presidential campaigns will be limited to posting 150 posters and 15 banners on campus area property.
- b. Senatorial campaigns will be limited to posting 100 posters and 10 banners on campus area property.
- c. There is no limit to the number of handbills a campaign may distribute.



E. Destroying or defacing the campaign materials of other candidates is prohibited.

F. Removing Campaign Materials

1. After campaign material has been placed, it may not be removed by anyone other than the candidate, campaign manager(s), the elections committee or the poll workers while voting is in progress. University employees acting in accordance with their duties and in enforcement of university policy may remove materials.

2. All posters and other campaign materials must be removed by 5 pm on the Friday following the election. It must be the responsibility of all candidates to see that their materials are removed.

XI. Sunset Clause

A. According to Section V(a) of the Sunset Act of 2017, "All legislation presented to Full Senate [...] shall contain a "Sunset Clause," in which an expiration date and renewal period are chosen."

1. The expiration date for the Election Act is November 30.

2. The renewal period for the Election Act is one (1) year.

Renewed on: October 25, 2017