

APPENDIX C

University of Kansas  
**Elections Commission**

**2011 Student Senate  
Elections Code**

Elections Commission  
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*University of Kansas Student Senate  
2010-2011 Elections Code*

**2010-2011 Elections Commission Members**

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**Only the Elections Commissioner is authorized to answer questions and provide information about this document.**

## **100 Scope**

The Student Senate Elections Code shall govern general, special, and recall elections, referenda, and initiatives. In all cases, the Code shall be subject to the provisions of the Student Senate Rules and Regulations, the University Code, and the Code of Student Rights and Responsibilities.

## **200 Purpose**

Effective student government is dependent upon fair elections, free from improper influences, preceded by maturity and restraint, and designed to acquaint the voters with the legitimate issues present for their decision. Experience has shown that non-partisan supervision of elections is necessary to prevent political excesses from surrounding the electoral process. In accordance with these considerations, this Code is enacted for the purpose of ensuring the most favorable possible atmosphere for the exercise of the students' franchise.

## **300 Definitions**

A. Division. The term "division" shall mean each School of the University, the two components of the College of Liberal Arts and Sciences, and the following categories of students: residential students, off-campus students, and nontraditional students. Students will only be allowed to vote in and will only be eligible to run in the division in which they are currently officially enrolled. Acceptance in another division shall not constitute official enrollment.

B. Components of the College of Liberal Arts and Sciences. The College of Liberal Arts and Sciences shall consist of two divisions; Junior/Senior College of Liberal Arts and Sciences (Junior/Senior CLAS) and Freshman/Sophomore College of Liberal Arts and Sciences (Freshman/Sophomore CLAS). Junior/Senior CLAS shall include students who have completed sixty (60) or more hours and are enrolled in the College of Liberal Arts and Sciences. Freshman/Sophomore CLAS shall include students who have completed fifty-nine (59) or fewer hours and are enrolled in the College of Liberal Arts and Sciences.

C. Residential Students. The term "residential students" shall mean students living in the following residential areas operated under the auspices of the Department of Student Housing: residence halls, scholarship halls, Stouffer Neighborhood, Sunflower Apartments, and Jayhawker Towers Apartments.

D. Off-Campus Students. The term "off-campus students" shall mean students who are not residential students.

E. Non-Traditional Students. "Non-traditional student" shall be defined as any undergraduate student who is twenty-four (24) years of age or older or who is one of the following: married, a parent, a veteran, commuting more than ten (10) miles to the University, or has had a break of at least two years in his or her college education.

F. Candidate. The term “candidate” shall mean any individual who has satisfied all of the requirements to run for office in a General Election, and has filed a declaration of candidacy with the Elections Commissioner.

G. Campus Proper. The term “campus proper” shall refer to any University building and any building on campus and its immediate environs, not expressly designated as living quarters.

H. Electoral Race. The term “electoral race” shall mean a contest between one (1) or more candidates for the same office in an election.

I. Hearing Board. The Hearing Board shall be composed of four (4) Hearing Officers and the Hearing Board Chair. The Hearing Board shall be responsible for the judicial functions of the Commission.

J. Hearing Officers. The Elections Commission shall select four (4) Hearing Officers from among its members to serve on the Hearing Board and to participate in offense hearings and deliberations. In the event a Hearing Officer must file a complaint or is otherwise unable to serve, he/she will be replaced by another member of the Elections Commission for the duration of the adjudication of the complaint.

K. Hearing Board Chair. The Elections Commission shall select one of its members to be the Hearing Board Chair. The Hearing Board Chair shall preside over offense hearings and deliberations and shall vote only in the event of a tie of the Hearing Officers. If available, the hearing board chair shall be a law school representative on the commission.

L. Complaint Adjudicator. The Elections Commission shall select from among its members (excluding the Commissioner), one member who will serve as Complaint Adjudicator. This person, with the assistance of the Elections Commissioner, shall be responsible for coordinating the prosecution of complaints. In the event that the Complaint Adjudicator is unable to serve, the Elections Commission will select a Commission member that is not a member of the Hearing Board to substitute as Complaint Adjudicator for the duration of the adjudication of the complaint.

M. Polling Site: A Polling Site is a location in which students shall legally vote. There are four types of polling sites. If the Elections Code does not specify that a rule apply only to specific types of polling sites, then it applies to all types of polling sites.

N. Central Polling Location: A Central Polling Location is a polling site established, monitored, and operated by the Elections Commission. These polling sites shall be open to all students, and they shall be located in at least three major campus thoroughfares.

O. Campus, Organizational or Departmental Computer. A Campus, Organizational or Departmental Computer is a polling site that, in its normal use, is a Computer owned and maintained by the University, University organization or a University Department that is open to use by any student with a valid username and password.

P. Personal Computer: A Personal Computer is a polling site that, in its normal use, is a personal computer owned, operated, and maintained by a student or campus employee. This shall also include any computer not owned, operated, and maintained by a student or campus employee, but which is used for online voting in an election overseen by the Elections Commission. This shall include desktops, laptops, or other portable devices with online access, such as but not limited to cell phones or Personal Digital Assistants (PDAs).

Q. Campaigning. Campaigning shall be any activity that promotes or discourages the election of one or more candidates or promotes or discourages the passage of one or more referenda. All campaigning shall be done in accordance with the Elections Code, the restrictions therein being exclusive. No campaigning on university property shall be allowed on dates and/or locations other than those described in the Election Code without the express, written permission of the Elections Commissioner or the Elections Commission Chair in accordance with the Elections Code.

R. Active Table Campaigning. The term “active table campaigning” shall refer to the process of promotion and distribution of campaign paraphernalia only from people stationed at tables on campus that are approved by the University Events Committee and from individuals away from these tables. This applies to activity anywhere on the University of Kansas Lawrence campus. Active Table Campaigning may only occur the Monday and Tuesday immediately preceding the general election and the Wednesday and Thursday of the election.

S. Passive Table Campaigning. Passive Table Campaigning shall refer to any activity outside of active table campaigning that occurs on campus. Passive Table Campaigning may involve the distribution of materials from tables provided all materials meet the standards of the Elections Code and follow university guidelines. However, no candidate or representative may actively court the interest of passerby; all Passive Table Campaigning must be initiated by passerby and not by said candidates or representatives. Passive Table Campaigning may only occur four (4) weeks prior to the week of the general election. Passive Table Campaigning may also occur during the week of the general election.

T. Campaign Material. The term “campaign materials” shall mean any advertisement, document, or device intended to promote or oppose the election of any candidate or coalition to any Student Senate office. Campaign materials must include the sponsoring candidate or coalition name. A sample of each item of campaign material or a detailed written description of the planned activity or promotion shall be submitted to the Elections Commissioner by 5 p.m. the day after the item is displayed to the student body. All campaign material defined as “posters”

or “handbills” must have the Uniform Resource Locator (URL) of the Election Commission website in font size no small than 12 points.

U. Creative Campaigning. The term “creative campaigning” shall mean any form of campaigning not explicitly permitted by the Elections Code.

V. Defamation. False and defamatory words communicated with the specific intent to injure a third person, actually resulting in harm to the reputation of the person defamed.

#### **400 General Elections**

A. Definition. A General Election shall be held on Wednesday and Thursday following the second Tuesday in April for the purpose of electing officers of the Student Senate.

B. President and Vice-President. In the General Election, one presidential ticket, consisting of one (1) President and one (1) Vice-President, shall be elected jointly by the student body.

C. Student Senators. In the General Election, sixty-six (66) Student Senators shall be elected in the following manner:

1. Fifty-seven (57) Academic Senators shall be elected by students enrolled in the following divisions:

- a. Architecture, Urban Design, and Planning
- b. Business
- c. Education
- d. Engineering
- e. Graduate
- f. Journalism and Mass Communications
- g. Law
- h. Liberal Arts and Sciences (+60)
- i. Liberal Arts and Science (-60)
- j. Music
- k. Pharmacy
- l. Social Welfare

2. One (1) Residential Senator shall be elected by students from the Residential Division.

3. Five (5) Off-Campus Senators shall be elected by students from the Off-Campus Division.

4. Two (2) Non-Traditional Senators shall be elected by students from the Non-Traditional division.

D. Senators Not Elected in General Elections. Additional Student Senators may be appointed according to the provisions of the Student Senate Rules and Regulations. These Senators are not elected in the General Elections.

E. Apportionment of Academic Senator Seats. The Elections Commission shall apportion the fifty-seven (57) Academic Senator Seats to the various divisions on the basis of official twentieth-day headcount enrollment figures for the fall semester with the approval of the Student Executive Committee. Each division shall be apportioned at least two (2) seats.

F. Eligibility to Vote. To cast votes in a General Election, a student must be enrolled in one hour of course work at the Lawrence Campus of the University of Kansas. A student may cast votes for President and Vice-President, and for any Senate seat designated for each division of which the student is a member. Membership in a particular division shall be determined by the Elections Commissioner on the basis of official enrollment records, current as of one week prior to the opening of the polls.

#### **401 Elections Schedule**

The Elections Commissioner shall annually prepare a schedule showing all events and deadlines under this Code. This schedule shall be published at the same time the revised Elections Code is published. The schedule shall limit the following campaign activities to the prescribed timeline:

1. Chalking. Chalking shall begin no earlier than five (5) weeks prior to the week of the general election.
2. Distribution of Materials. Distribution of materials, including but not limited to the distribution of handbills, tokens, signs, posters and banners, shall begin no earlier than five (5) weeks prior to the week of the general election.
3. Passive Tabling. Passive tabling shall begin no earlier than four (4) weeks prior to the week of the general election.
4. Organization Visits. Organization visits shall begin no earlier than four (4) weeks prior to the week of the general election.
5. Active Tabling. Active tabling shall begin no earlier than the Monday of the week of the general election.

#### **402 Qualifications for Office**

A. Enrollment. All candidates must be enrolled in at least six hours of course work at the Lawrence Campus of the University of Kansas when they declare candidacy, throughout the period from declaration of candidacy to the election, and intend to remain so enrolled throughout the fall and spring semesters of their term of office.

B. Division Membership. Each candidate must currently be a member of the division that he/she seeks to represent. Membership in a particular division shall be determined by the Elections Commission on the basis of official spring semester enrollment records and a Dean's stamp from that department. Candidates who intentionally enroll in a particular division for the sole purpose of obtaining a Student Senate office may be disqualified or removed from office by the Elections Commission. Acceptance in a division shall not constitute official enrollment.

#### **403 Nomination of Candidates**

A. Procedure. Any person meeting the qualifications for office in §402 may become a candidate by complying with the requirements outlined in this section.

B. Declaration of Candidacy. Each candidate shall file a declaration of candidacy with the Elections Commissioner, and shall sign a statement affirming that he/she has read, understands, and will abide by the Elections Code. Each candidate must declare whether he/she intends to run as a part of a coalition or as an independent candidate. The Elections Commissioner shall make available candidacy declarations at least twenty-five (25) school days prior to the opening of the polls.

C. Filing Deadlines. The filing deadline for President and Vice-President shall be 5 p.m., at least twenty (20) school days prior to the opening of the polls. The filing deadline for coalition and independent Senators shall be 5 p.m., at least ten (10) school days prior to the opening of the polls. The filing deadline for all write-in candidates shall be 5:00 p.m., at least two (2) school days prior to the opening of the polls.

D. Filing Requirements. Candidates for President and Vice-President shall submit, along with their declaration of candidacy, a petition signed by five hundred (500) students eligible to vote in the General Election. Each candidate for Senator shall be required to submit, along with his/her declaration of candidacy, either a twenty dollar (\$20.00) filing fee or a petition signed by either fifty (50) students eligible to vote for the candidate in the General Election or twenty-five percent (25%) of students enrolled in the school the candidate seeks to represent. Coalitions shall submit an official filing packet that shall include a complete coalition charter along with declaration of candidacy forms and the necessary filing fees and/or petitions for every coalition member.

E. Singularity of Office. No member of the student body shall be allowed to run for more than one office of the Student Senate in a General Election.

#### **404 Coalitions and Candidates**

A. Coalitions.

1. Formation. Any group of students may organize as a coalition and nominate candidates.
2. Recognition of Coalitions. The Elections Commission shall officially recognize a coalition upon the occurrence of the following:
  - a. the coalition files with the Elections Commissioner an official filing packet including a coalition charter containing an accurate list of its candidates;
  - b. the coalition appoints a treasurer and/or one other individual authorized to sign campaign activity reports and expenditure statements on behalf of the coalition; and
  - c. the coalition appoints a chief contact person and an alternate contact person to serve as the official liaisons between the coalition

and the Elections Commission and provides the Commissioner with accurate phone numbers and addresses of such persons.

d. the coalition must be a registered student organization with the Student Involvement and Leadership Center.

3. Charter Filing Deadline. Each coalition shall file its charter no later than 5 p.m., ten (10) school days prior to the opening day of the polls. After that date, a candidate may not join or switch coalitions, nor may he/she be involuntarily removed from a coalition.

4. Resignation from a Coalition.

a. A candidate may officially resign from a coalition anytime up to five (5) school days prior to the opening of the polls. After that date, a candidate may choose to leave a coalition, but will appear on the ballot as a member of the coalition.

b. All resignations must be made in writing, and must be submitted to both the Elections Commissioner and the coalition.

c. A candidate who officially resigns from a coalition may either drop out of the election or run as an independent candidate in compliance with section 404B of this code.

5. Number of Candidates. No coalition shall offer more candidates for office in any division than there are seats available in that division.

B. Independent Candidates. Any candidate not a member of an approved coalition shall be listed on the ballot as an independent candidate.

1. Independent candidates shall abide by the filing deadlines for President and Vice-President and Senator unless he/she has resigned from a coalition. If a candidate resigns from a coalition and chooses to run as an independent candidate, he/she must file as an independent no later than five (5) school days before the election.

2. Independent candidates shall file campaign activity and expense reports as described in §411.

3. If the candidate resigns from a coalition, he/she shall not be required to file any campaign activity reports that became due while the candidate was a coalition member. However, the candidate shall be required to file any campaign activity reports that become due after he/she resigned from the coalition. The reports shall include all activities undertaken on behalf of the candidate from the date of his/her resignation.

C. Candidate workshops. All candidates are required to participate in a candidate workshop.

1. All candidates must attend one of the candidate workshops led by the Elections Commissioner as provided for in Student Senate Rules and Regulations 7.7.2.

2. All candidates must attend one of the following:

a. A Student Senate workshop organized by the Elections Commissioner and led by the outgoing Student Body President and Vice President.



- I. The workshop shall address the function and purpose of the Student Senate at KU and other topics deemed pertinent to serving as a Student Senator.
  - II. The workshop shall be attended by the Associate Director of the Student Involvement and Leadership Center or his/her designee.
- b. A Student Senate Standing Committee or Full Assembly meeting.
- I. Candidates shall obtain the signature of the appropriate body's secretary as proof of attendance.
  - II. Candidates shall not be required to stay for longer than two (2) hours.
- D. Write-in candidates. Any candidate filing less than ten (10) school days but no later than two (2) school days before the election and not filed as an independent candidate shall be considered a write-in candidate.
- 1. Write-in candidates will not be listed on the ballots. Ballots for write-in candidates will be counted only if they conform to the procedures outlined in §405 H.
  - 2. Write-in candidates will be held responsible for the submission of an activity and expense report, regardless of their candidacy filing date, on the final day of polling at 5 p.m.
- E. All coalitions and independent President/Vice-President candidates will be assigned a mailbox in the Union Administration Office. Coalitions and independent Presidential/Vice-President candidates will be responsible for checking their boxes daily.

#### **405 Polls**

- A. Polling Sites. Polling sites are the only locations in which a student may legally vote. These locations are Central Polling Locations, Campus Computers, Departmental or Organizational Computers, and Personal Computers. Any of these shall be considered an active polling site when a student employs it for the purpose of voting.
- B. Times of Operation. The election shall run from 6:00 a.m. until 10:00 p.m. on Wednesday and from 6 a.m. until 4:00 p.m. on Thursday. Voting using on campus computers shall be otherwise restricted to the regular hours of operation of a given lab or to the hours of operation of the building that contains the computer.
- C. Polling Procedures. The Elections Commissioner shall be responsible for developing polling procedures, and for administering such procedures under the supervision of the Elections Commission. The Elections Commissioner shall ensure that polling is carried out in an orderly and impartial manner.
- D. Campaigning at Polling Sites. No one may stand so that he or she is able to view a computer's screen while a student is voting on that computer, or in any other way determine how an individual votes at a particular polling site. Voters shall be

incommunicado while voting, except for the purpose of asking questions regarding voting procedures. No one may actively campaign in any university operated or maintained building, except on-campus housing, the Kansas Union, and the Burge Union. All campaigning within these buildings is subject to those buildings' respective rules and regulations. This prohibition shall not apply to candidates and/or coalitions visiting with student organizations meeting at their regular time and place.

E. Voting at Central Polling Locations. Only Elections Commission members and its appointees shall assist in the operation of a Central Polling Location. All voting at a Central Polling Location shall be absent the view of any person except the voter him/herself. The Elections Commission reserves the ability to define no campaigning zones within 100 feet of any Central Polling Location at their discretion.

F. Voting at Campus, Organizational or Departmental Computers. Votes cast from a Campus, Organizational or Department Computer are subject to all terms of use, rules, regulations and ordinances in place as set by the University or the respective organization or department.

G. Voting at Personal Computers. A Personal Computer may be used for voting only by a voter who owns, operates, and maintains the Personal Computer from which s/he is voting or by a voter who normally uses the Personal Computer for non-voting purposes.

H. Write-in Procedures. Students wishing to cast a ballot for a write-in candidate shall type in a reasonable representation of the candidate's officially registered name upon the ballot in the space designated for this purpose. In order for a Presidential and Vice-Presidential write-in ballot to be counted, at least the name of the Presidential candidate must appear on the ballot.

I. Americans With Disabilities Act Compliance. Students who require special accommodations to cast their vote may make a request in writing to the Elections Commissioner at least ten (10) school days before the first day of the elections.

## **406 Ballots**

A. Ballot Forms.

1. The Elections Commissioner shall provide a ballot for each division or office to be filled and for each referendum proposal or initiative question to be voted upon in the General Election.
2. Candidates shall be listed on the ballot by seat in random order, and the name of the candidate shall be printed as requested (if it is deemed reasonable by the Commissioner) upon the declaration of candidacy form. The randomization of candidate order shall occur on each ballot.
3. All candidates included in approved coalition charters shall be listed on the ballot with their coalition affiliation beside their names.

4. Appropriate blank spaces shall be provided on the ballots for the names of qualified write-in candidates to be entered.

B. Inspection of Ballots. All official ballots shall be made available for public inspection at least nine (9) school days prior to the opening of the polls. Each coalition and independent candidate shall verify the accuracy of the ballots no later than seven (7) school days prior to the opening of the polls.

C. Integrity of Data. Only the Elections Commissioner, the Elections Commission Chair and authorized Information Services personnel shall have access to stored electronic data prior to public notification.

#### **407 Tabulation of Ballots**

A. Procedure. The method of counting votes shall be prescribed by the Elections Commission.

B. Vote Required for Election. The vote required for election to any Student Senate office shall be a plurality of the votes cast for that office. Where more than one seat is to be filled within a single division, seats shall be awarded to candidates in descending order, according to the number of votes received.

C. Tie Votes. In the case of a tie, the tie shall be resolved through a game of chance selected by a majority of the candidates involved. The game of chance will be administered by the Elections Commissioner or a member of the Elections Commission. No recount shall be conducted if the candidates involved would stand elected without one.

#### **408 Certification of Elections**

A. Procedure. Upon completing the tabulation of all votes cast in a General Election, the Elections Commission shall publish the unofficial results. Before the results may be considered official, the Elections Commission shall certify to the Student Executive Committee that the results are valid and free from any material distortion. The Elections Commission shall wait at least two (2) school days following the announcement of results before certifying an election.

B. Partial Certification. In appropriate circumstances, the Elections Commission may decide to certify some electoral races in a General Election, and not to certify other races.

C. Annulment. If the Elections Commission finds that the results of any electoral race have been materially altered by a violation of this Code, it shall declare the results of that race void and call for a new election for the affected office(s). If the Elections Commission finds that the violation of this Code has been substantial, it may annul the results of an entire election.

D. Contested Elections. Any individual who was eligible to vote in any electoral race may contest the results of that race by filing a written complaint with the Elections Commissioner no later than two (2) school days after the results have been announced. If a race is contested, the Elections Commission shall conduct a hearing to determine whether the results are valid and free from material distortion. The Elections Commission shall not certify any contested electoral race until this determination has been made.

E. Declined Seats. If a victorious candidate chooses to decline his/her office, the open seat shall be given to the candidate in the particular division that received the most votes while not awarded an office.

## 409 Campaigning Activities

### A. General Limitations.

1. All campaign activities shall conform to the laws of the State of Kansas, the ordinances of the City of Lawrence, and all rules and regulations of the University, including the “Guidelines for University Events and Registered Organizations.”
2. All active table campaigning shall only occur the Monday and Tuesday prior to the Wednesday and Thursday of elections.
3. Campaigning inside university-operated or maintained buildings is prohibited, except for:
  - a. Posters and signs meeting the requirements of §409 D, E and F;
  - b. Campaigning inside on-campus housing, the Kansas Union, and the Burge Union, subject to those buildings’ respective rules and regulations;
  - c. Candidates and/or coalitions visiting with student organizations meeting at their regular time and place;
  - d. Limited passive table campaigning meeting the requirements of §300 S.
4. During the period when active table campaigning is allowed, limited passive table campaigning is allowed in common areas of certain professional school buildings, subject to the following requirements:
  - a. Passive table campaigning must comply with the requirements of §300 S.
  - b. Only the following buildings are eligible: Art & Design, Marvin, Summerfield, Joseph R. Pearson, Learned, Eaton, Murphy, Stauffer-Flint, Green and Twente Halls;
  - c. All activity is subject to the respective rules and regulations of the building in question;
  - d. Tables must not be in a classroom, library, help room, designated study room, elevator or any area where it would substantially obstruct walkways or disrupt classroom environments;
  - e. The locations of tables must be approved in writing by the dean of the professional school occupying the building, or the building’s authority;

- f. Written approval must be turned in and accepted by the Elections Commission at least one academic day prior to passive table campaigning in the building;
- g. Only one table per coalition or independent candidate is allowed per building.

B. Limitations on Distributing Materials

1. Campaign materials within Student Housing properties (residence halls, scholarship halls, Jayhawker Towers, Stouffer Place, Sunflower Apartments, as well as any student housing dining facility) will be allowed in public areas as designated by the complex director and/or assistant director for dining services in the Department of Student Housing.
2. With the exception of posters and signs meeting the requirements of §409 D, E and F, no campaign materials shall be leaned against or otherwise affixed to anything on the campus proper as defined in §300 G, unless the candidate or coalition first obtains the approval of the Elections Commission. Additionally, no campaign materials on the campus proper shall be secured by stakes driven into the ground.
3. No campaign materials shall be posted or distributed on private property unless the independent candidate or coalition first obtains the consent of the owner or the manager of the property.
4. All campaign materials shall be removed from the campus proper within two (2) school days after the closing of the polls. A candidate shall not be certified for office until the candidate and his/her coalition have met this requirement. Fines and penalties may be assessed to reimburse the Elections Commission for costs incurred as a result of failure to comply with this provision.
5. Campaign materials with adhesive backing, such as stickers, shall not be posted to the campus proper as defined in §300G.
6. No individual shall remove, deface, obscure or otherwise tamper with the campaign materials of another candidate or coalition.

C. Campaign Activity on Election Days.

1. No person shall obstruct or interfere with an individual's right of way in any manner without consent from that individual during voting hours.
2. Voters shall be incommunicado while voting except when requesting assistance regarding voting procedures. No candidate is permitted to view a computer screen while a student is voting on that computer.
3. Candidates shall not knowingly campaign or communicate with anyone in the process of voting.
4. Candidate Identification. To aid in determining who is and is not a candidate, all candidates must wear on their person an identification badge which should be clearly visible at all times during the two days of election. The badges will be provided by the Elections Commission; candidates will be required to pay a five dollar (\$5.00) refundable deposit. Each candidate is required to obtain his/her own badge from the Elections Commission. Candidates are not allowed to have others obtain their badges for them. The

Elections Commissioner shall make these badges available no more than five (5) school days prior to the opening of the polls.

5. Posters are permitted on bulletin boards in buildings which contain poll sites as long as they meet the requirements of §409 **D, E and F**.

**D. Posters.**

1. The term “poster” shall mean any paper campaign material affixed to a wall or other stationary object.
2. Posters shall not exceed twenty-two inches by fourteen inches (22" X 14").
3. Posters shall be placed only on University bulletin boards or other areas intended for general use. Posters shall not be placed upon glass enclosed or departmental bulletin boards. Posters shall be tacked or stapled to bulletin boards.
4. No more than one (1) twenty-two by fourteen inches (22" X 14") area per bulletin board or other area intended for general use shall be posted by a coalition or candidate.
5. No candidate or coalition’s poster shall overlay or materially affect the readability of any other opponent’s poster.

**E. Handbills and Tokens.**

1. The term “handbill” shall mean any paper campaign material distributed to any individual. The term “token” shall mean any non-paper campaign material distributed to any individual, excluding any material distributed electronically (including buttons, clothing, etc.).
2. Handbills and tokens shall be individually distributed to students.
3. Handbills and tokens shall not be left in stacks to be picked up nor be placed on cars.

**F. Signs.**

1. The term “sign” shall mean any campaign material other than a poster, handbill, token, or radio or newspaper advertisement.
2. Signs shall not be displayed inside campus buildings. Signs shall not be affixed to walls or any other stationary object.
3. Chalk signs must be on a surface exposed to the weather.

**G. Electronic Campaigning.** All Electronic Campaigning shall be subject to the rules and limitations of the medium, as set forth by that medium or the regulatory agency that oversees that medium, through which material is distributed

1. Websites. The world wide web Uniform Resource Location (URL) of any website operated by a candidate, coalition or organization which advocates voting for any candidacy or referenda in a University of Kansas election must be registered with the Elections Commission on the appropriate form.
  - a. Campaign websites must contain a conspicuous link to the KU Election Commission homepage on the website’s homepage
  - b. Campaign websites must clearly identify the campus organization which operates the website

2. Mass Communication. All electronically transmitted campaign material from a coalition, organization or independent candidate, distributed to any individual, without their individual consent to receipt of these materials, is limited to twice (2 times) a week after the coalition's Charter or Declaration of Candidacy Form has been submitted. During the Active Table Campaigning period, this communication is limited to once (1 time) per day. During the days on which the election is held, this communication is limited to once (1 time) per day. Mass Communication methods include, but are not limited to, the following: Social Networking Site messages, online advertising and emails.

#### **410 Campaign Expenses**

A. Definition. "Campaign expenses" shall mean the retail value of any obligations incurred; the retail value of any goods and services donated; and any actual funds expended to promote or oppose the election of any individual to any Student Senate office. This definition shall include the value of any discounts not available to the general public and the retail value of any donated professional services (such as printing, graphic design, entertainment, and advertising). It shall not include any fines assessed under this Code or the value of donated non-professional services. For the purposes of this section, "professional services" shall not include any services performed entirely by students. All money spent by senatorial candidates who are members of a coalition shall be considered coalition spending.

B. Voluntary Recommended Spending Limits. Coalitions and independent President/Vice-President candidates will be given the opportunity to sign a contract agreeing to a voluntary recommended spending limit of two thousand dollars (\$2,000.00). Independent senatorial candidates will be given the opportunity to sign a contract agreeing to a voluntary recommended spending limit of two hundred dollars (\$200.00). Contracts will be available for public review in the Dean of Students Office. Candidates or coalitions who agree to comply with the recommended spending limit and violate that contract will be sanctioned under §412 D of this code.

C. Campaign Expenditures.

1. The actual expenses of a coalition or an independent or write-in candidate may not exceed the recommended voluntary spending limit after consenting to be bound by that limit. A line-item breakdown of expenses shall be required.

2. Coalition candidates individually posting or producing campaign materials must provide an accurate accounting of those expenditures to the coalition treasurer to be included in coalition expense reports.

#### **411 Reporting Requirements**

A. All campaign expenditures shall be accounted for.

B. Campaign Activity and Expense Reports.

1. All independent candidates and coalitions shall file a campaign activity and expense report by 5 p.m. the Monday prior to the first day of elections. All coalitions, independent candidates, and write-in candidates shall file a campaign activity and expense report by 5 p.m. the Monday prior to the first day of elections. Each report shall list and briefly describe the expenses incurred and the campaign activities undertaken by or on behalf of the reporting coalition, independent candidate, or write-in candidate up to the reporting deadline and a detailed projected budget of expenditures they will make between the reporting deadline and the time the polls close the last day of the elections. Reports shall also include the sources of all incoming funds. Incorrect/incomplete reports will not be accepted.
2. Each campaign activity report shall include the type and quantity of all campaign materials purchased or manufactured during the reporting period. Reports shall also include the sources of all incoming funds.
3. All reports of coalition expenditures must be made by the treasurer or one other designated individual.

C. Final Activity and Expense Statements. No later than 5 p.m. on the Monday following the final day of polling, all coalitions and candidates shall file a Final Activity and Expense Statement with the Elections Commissioner. The Elections Commissioner shall provide standardized forms for this purpose. The Final Activity and Expense Statement shall contain the following information:

1. an itemized listing of all campaign expenses, with appropriate original receipts. If an original receipt is lost, a replacement receipt issued by the vendor must be submitted;
2. the total amount of all campaign expenses;
3. an itemized listing of all donations made to the campaign, including materials carried over from previous campaigns and utilized during the current campaign;
4. the total amount of all campaign contributions;
5. a statement attesting to the validity of the reported information, signed by the coalition treasurer; and
6. bank records for the campaign account for coalitions and independent President/Vice-President candidates;

D. Verification. The Elections Commissioner shall review each Activity and Expense Statement to verify that the information provided is complete and accurate. The Commissioner shall also determine whether any recommended voluntary spending limit contracts have been violated. In making this determination, the Commissioner shall have full authority to resolve any questions concerning the retail value of goods and services not evidenced by receipts or other verified documentation.

## **412 Enforcement**

A. Scope. All candidates for Student Senate offices are bound by, and violators will be penalized under this Code.



B. Complaints. Any person who believes a violation of the Elections Code has occurred may file a complaint with the Elections Commissioner no later than 5 p.m. two (2) school days after witnessing or discovering the violation. Such complaints shall be in writing and signed by the person filing said complaint. A complaint filed with the Elections Commission against a coalition or candidate which has not yet officially filed to run for office but is engaged in campaign activities in violation of this Code may be heard upon the receipt by the Elections Commission of a declaration of candidacy from the coalition or candidate to whom the complaint pertains. Members of the Elections Commission may file complaints up until the time the election is certified. Complaints shall be logged and the log will be available in the Union Administration Office Elections Commissioner cubicle. All complaints and hearings will be governed by procedures approved by the Elections Commission.

1. A notice shall be issued within two (2) school days of the filing of a complaint. The notice will state the offense and the alleged violator will have the opportunity to enter a plea. The alleged violator will be assigned a date to appear before the Hearing Board to present evidence and make arguments on their behalf. The Elections Commission has the right to dismiss unverifiable complaints.
2. The Complaint Adjudicator shall investigate all formal complaints under the provisions of this Code. Before the Hearing Board conducts any vote on the complaint (other than a vote to dismiss) any person alleged in the complaint to have committed such a violation shall be notified of the complaint and be given the opportunity to demonstrate, in writing, that no action should be taken against such person on the basis of the complaint.
3. Offense hearings shall be presided over by the Hearing Board. The alleged offender, or a person designated by the offender, shall be permitted to present evidence and make arguments at offense hearings. In addition, the Complaint Adjudicator shall be permitted to make arguments and present evidence.
4. After reviewing the evidence, the Hearing Board shall determine whether an offense has been committed. If the Hearing Board finds that an offense has been committed, they shall impose such penalties as deemed appropriate and consistent with the provisions of this Code and other applicable University rules and regulations.

C. Minor Offenses. Minor offences are infractions ruled to be of minor consequence, often those accidentally committed or not committed with malicious intent. Their immediate impact on the election is considered nominal. Minor Offences may include, but not be limited to, the following:

1. Failing to comply with the provisions of §404 regarding coalitions and candidates,
2. Failing to comply with the provisions of §409 regarding campaigning other than actions that violate §409 A 1 or §409 A 4.

D. Significant Offenses. Significant offences are infractions ruled to be of significant consequence and generally, though not necessarily committed intentionally. These offences can be committed with or without malicious intent, but

have an undeniable affect on the election or on certain persons. Significant Offences shall may include, but not be limited to, the following:

1. Failing to comply with the provisions of §405 regarding polling,
2. Failing to comply with the provisions of §410 regarding campaign expenses,
3. Failing to comply with the provisions of §411 regarding campaign reporting requirements, or
4. Non-criminal violations of §409 A 1, to be classified at the discretion of the Elections Commission Hearing Board.
5. Unintentionally using an academic listserv to promote the election or defeat of any candidate(s), initiative(s), or referendum(a).

E. Serious Offenses. Serious offences are infractions ruled to be of serious consequence and committed intentionally. Though the offender need not have intended for the full array of the offense's consequences, it is a conscious infraction or action in bad faith. These offenses affect all or some of the following: the election, certain persons involved, and the political climate. Serious Offences may include, but not be limited to, the following:

1. Failure to complete the mandatory candidate workshops requirement (404 C),
2. Making a libelous or slanderous statement regarding another coalition or candidate,
3. Engaging in a repeated pattern of lesser offenses
4. Failure to comply with rulings of the Elections Commission or the Elections Commissioner within a reasonable time, including failing to pay fines when due,
5. Encouraging any individual to commit an offense under this Code,
6. Neglect of ethical responsibility to prevent the commission of an offense under this Code by another individual,
7. Submitting false information in, omitting required information from, or failing to file reports required under this Code;
8. Non-criminal violations of §409 A 1, to be classified at the discretion of the Elections Commission Hearing Board.
9. Using an academic listserv to promote the election or defeat of any candidate(s), initiative(s), or referendum(a).

F. Egregious Offenses. Egregious offences are infractions ruled to be of major consequence to the current election, the political environment, and the reputation of the Student Senate generally. These infractions are committed with intent to disrupt the democratic process and involve egregious malfeasance on the part or parts of one or more individuals. Egregious Offences shall may include, but not be limited to, the following:

1. Criminal and/or non-criminal violations of §409 A.1, to be classified at the discretion of the Elections Commission Hearing Board.
2. Violations of §409 C.1, §409 C.2, §409 C.3;
3. Attempting to mislead or obstruct the Elections Commission, the Elections Commissioner, or the Hearing Board in the performance of their duties,

4. Tampering with election equipment/paraphernalia,
5. Attempting to influence the outcome of an election by means of harassment, intimidation, bribery, or fraud,
6. Casting more than one ballot;

G. Penalties.

1. Each minor offense shall be punishable by a fine of no less than twenty-five dollars (\$25.00), restitution, and/or any other non-monetary penalty deemed appropriate by the Elections Commission.
2. Each significant offense shall be punishable by a fine of no less than fifty dollars (\$50.00), restitution, and/or any other non-monetary penalty deemed appropriate by the Elections Commission.
3. Each serious offense shall be punishable by a fine of no less than seventy-five dollars (\$75.00), restitution, and/or any other non-monetary penalty deemed appropriate by the Elections Commission.
4. Each egregious offense shall be punishable by a fine of no less than one hundred dollars (\$100), restitution, and/or any other non-monetary penalty deemed appropriate by the Elections Commission.
5. In addition, the Elections Commission may disqualify offenders from running as candidates in future elections, and may refer such persons to appropriate University departments for further disciplinary action. In cases involving the intentional destruction or damaging of campaign materials or election equipment/paraphernalia, the Elections Commission may order restitution.
6. Coalitions, their officers, and/or individual candidates may be held responsible for conduct in accordance with guidelines established for individual members if having prior knowledge, participation in, or encouragement of the conduct.
7. In addition to the penalties detailed in §412, coalitions may be punished by a fine of up to five hundred dollars (\$500.00), restitution, or other non-monetary penalties deemed appropriate by the Elections Commission.
8. In assessing penalties, the Elections Commission shall consider any circumstances that tend to aggravate or mitigate the severity of the offense, including any voluntary disclosures or cooperation provided to the Complaint Adjudicator in investigating the offense.

H. All candidates shall be responsible for the timely payment of their own fines. Students with outstanding fines will have a hold placed on their records. Fines will be considered outstanding if they are not paid within two weeks from time of final judgment. Candidates with unpaid fines will not be allowed to assume office.

I. Disqualification of a Presidential or Vice-Presidential Candidate. In the event that a presidential and/or vice-presidential candidate is disqualified prior to the election, the other candidate on the petition or the associated coalition may have four (4) days or until the date of ballot verification, whichever occurs first, to resubmit a petition indicating new candidates for President and Vice-President. This petition is subject to the same requirements listed in 403.B and 403.D.

J. Plea bargains may be negotiated at the discretion of the Elections Commissioner. Pleas shall be enforced pending allocution by the accused and hearing board approval at an Elections Commission judicial hearing.

## **500 Appeals**

Any individual may appeal a decision of the Elections Commission within forty-eight (48) hours of that decision to the University Judiciary Board, which would convene as specified by the University Senate Code.

## **600 Special Elections**

- A. Definition. “Special Elections” shall include elections for organizations other than the Student Senate, recall elections, referenda, and initiatives.
- B. Elections for Other Organizations.
  - 1. The Elections Commission shall, at the request of the Student Executive Committee or the Student Senate, supervise elections for organizations other than the Student Senate. Requests must be received in writing at least twenty (20) school days prior to the proposed date of the election.
  - 2. The organization calling for the election shall be responsible for the printing of ballots and for all costs incurred. The organization shall provide assistance to the Elections Commission in administering the election.
  - 3. Polling places shall be placed at locations determined by the Elections Commission, in consultation with the party calling for the election.
- C. Recall Elections.
  - 1. The Elections Commission shall be responsible for conducting recall elections.
  - 2. Any official elected in a General Election may be placed on a recall ballot upon receipt by the Elections Commission of a petition containing signatures equal to fifteen percent (15%) of the persons currently eligible to vote for the office in the General Election.
  - 3. The recall ballot shall state the name and office of the individual who was the subject of the recall petition. Voters shall be allowed to vote either “YES” or “NO” to the recall proposal.
  - 4. If two-thirds (2/3) of the students voting vote to recall the official, his/her term of office shall cease upon certification of the recall election results by the Elections Commissioner.
- D. Referenda and Initiatives. Referenda and initiatives shall be administered by the Elections Commission according to the provisions of Article VIII of the Student Senate Rules and Regulations. Voters shall be allowed to vote either “YES” or “NO” to the proposal.
- E. Special Elections shall be subject to all provisions of this Code not inconsistent with this section.

## **700 Elections Commission Account Regulations**

- A. The Elections Commission shall operate a Student Organization Financial Accounting Systems (SOFAS) Account with the Office of the Comptroller.
  - 1. All fees and fines collected by the Elections Commission shall be deposited into the account.
  - 2. Purchases made must be authorized by the Elections Commission advisor and Student Senate Chief of Staff.
  - 3. The Elections Commission budget shall be supplemented by the Unallocated Account as the Student Senate deems necessary.
  
- B. Collections and Deposits
  - 1. All fines, fees, and deposits made to the Elections Commission shall be made via check. No cash is to be accepted.
  - 2. Checks are to be turned in to the Elections Commissioner. Candidates shall receive a receipt of the transaction.
  - 3. Deposits to the account are to be made by the Elections Commission advisor.
  - 4. The Elections Commissioner shall keep detailed records of any and all collections and expenditures made during his or her tenure. This shall include copies of: invoices, receipts, and a summary of all transactions.
  
- C. Upon appointment, the Elections Commissioner shall meet with the Elections Commission advisor, Student Executive Chair, and the Student Senate Treasurer regarding these regulations and proper procedures.

## **800 Post-Election Review**

- A. The Elections Commissions shall annually provide a report describing and evaluating the conduct of the General Election, and providing recommendations for future Elections Commissions.
  
- B. The Student Senate Treasurer and Assistant Treasurer shall perform a review of the financial activity of the Elections Commission.