

# **University of Colorado Student Union**

## **Election Code**

I hereby affirm that this is a true and accurate representation of the UCSU Election Code that will govern the Spring 2009 UCSU election.

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Alexander Schnell, Election Commissioner

## **Chapter 1 - General Provisions**

### § 101: Definitions

- (a) All definitions herein shall be used throughout this code unless the result would be unreasonable.
- (b) Definitions;
  - (1) Executive(s): The Executive(s) is the executive office prescribed under Article II of the UCSU constitution. Two or more persons collectively seeking the Executive(s) in a manner provided for by Article II of the UCSU Constitution shall collectively constitute the Executive(s) as though they were one.
  - (2) Representative-at-large: A representative-at-large is one in the same as a member of the Representative Council.

### § 102: Purpose

The purpose of this code is to provide for open, fair, and efficient UCSU elections.

### § 103: Amendment & Safe Harbor

- (a) The election code may be amended at any time by a supermajority of twelve (12) members of the Legislative Council.
- (b) The Election Commissioner shall only enforce those provisions of this code for a particular election that are operative at the time candidacy petitions are due.
  - (1) The Election Commissioner shall certify the election code that will govern the election with the following declaration: "I hereby affirm that this is a true and accurate representation of the UCSU Election Code that will govern the [Fall/Spring Year] UCSU election." The declaration shall be signed by the Election Commissioner.

## **Chapter 2 - Election Commissioner**

### § 201: Selection, Compensation, Removal

- (a) The UCSU Office Manager shall begin advertising for a competent Election Commissioner at least ten (10) weeks before the election.
  - (1) Advertising shall consist of some combination of "buff bulletins," newspaper advertisements, a posting on the UCSU website, and any other prudent and reasonable venue.
  - (2) The UCSU Office Manager is authorized to spend any reasonable amount of monies appropriated for the election to carry out subsection one of this section.

- (3) Applications for Election Commissioner shall be forwarded to the Chair of the Representative Council.
- (b) The Representative Council shall nominate an Election Commissioner and the Legislative Council by 2/3, present and voting, shall appoint the Election Commissioner.
- (c) The Election Commissioner shall be paid as a Student Assistant III. The Election Commissioner shall not be paid for any time expended before appointment by the Legislative Council.
- (d) The Election Commissioner may be impeached and removed by a supermajority of twelve (12) members of the Legislative Council.
- (e) The Election Commissioner's term shall end when the Certificates of Election have been delivered as provided in § 804(c).

§ 202: Duties & Responsibilities

- (a) The Election Commissioner's primary responsibility is to ensure an effective and fair UCSU election.
  - (1) The Election Commissioner shall advertise to solicit qualified candidates for UCSU office.
  - (2) The Election Commissioner shall promote the UCSU election to ensure the largest voter turnout reasonably possible.
  - (3) The Election Commissioner is authorized to spend funds appropriated for the election in furtherance of the duties enumerated herein.
- (b) The Election Commissioner shall perform all duties and tasks assigned by this Code and reasonably implied there from.
- (c) In the event of a disruption to the voting process the Election Commissioner may provide for additional time for voting. The amount of additional time should be reasonably related to the length and nature of the disruption. All post-election timelines may be adjusted as reasonably necessary as long as the extension does not exceed the duration of the extension of voting.

§ 203: Assistant Election Commissioners

- (a) The Election Commissioner may nominate up to two Assistant Election Commissioners, who shall be appointed by 2/3, present and voting, of the Legislative Council.
- (b) Assistant Election Commissioners shall be paid as a Student Assistant II. Assistant Election Commissioners shall not be paid until appointed by the Legislative Council.

- (c) Assistant Election Commissioner(s) may be impeached and removed by a supermajority of twelve (12) members of the Legislative Council or terminated for cause by the Election Commissioner.
- (d) Assistant Election Commissioners shall undertake any responsibility delegated by the Election Commissioner.

§ 204: Election Commission

The Election Commissioner and the Assistant Election Commissioner(s) collectively constitute the Election Commission. If no Assistant Election Commissioner(s) are appointed the Election Commissioner and the Election Commission shall be one in the same.

§ 205: Elections Committee

The UCSU Legislative Council Elections Committee shall act as the Election Commissioner during any time in which there is no Election Commissioner. Only actions undertaken by or at the direction of a majority, present and voting, of the Elections Committee are binding.

**Chapter 3 - Elections & Voting**

§ 301: Eligibility

Any UCSU base fee paying member of the University of Colorado Student Union shall be entitled to vote.

§ 302: Election Schedule

- (a) The fall elections shall begin at 12:01 am on the Monday proceeding the last Friday of October and shall conclude at 8pm on the last Friday of October.
- (b) The spring elections shall begin at 12:01 am on the second Monday following spring recess, as defined by the academic calendar, and shall conclude at 8pm on the second Friday of the same week.

§ 303: Offices

- (a) During the fall election five (5) Representative-at-large seats shall be elected.
- (b) During the spring election four (4) Representative-at-large seats and the UCSU Executive(s) shall be elected.

§ 304: Voting

- (a) UCSU elections shall be conducted through an online voting system that provides;

- (1) A ballot that includes the candidate's name as its appeared on the petition for candidacy and, if provided, a political party affiliation. The ballot shall randomly present the candidates for a particular office.
  - (2) A means for an elector to vote for write-in candidates.
  - (3) A ballot that includes that full text of ballot measures and allows students to vote for or against ballot measures.
  - (4) A ballot that allows the voter to select a number of candidates equal to the number of positions to be filled in accordance with § 303.
- (b) The Election Commissioner shall arrange for the use of a compliant online voting system.
  - (c) If any eligible voter is unable to access the online voting system they may vote by paper ballot in the UCSU office, during regular business hours, throughout the election period. Before a student may vote by paper ballot the Election Commissioner or his/her designee shall verify that the person is an eligible elector and that the elector has not already cast a ballot in the election.
- (1) All paper ballots shall remain secured in the UCSU office. All cast ballots shall be secured in a manner that ensures that only those who are eligible to vote by paper ballot will have their votes included.
  - (2) All cast paper ballots shall be retained until all certificates of election have been delivered.

#### **Chapter 4 - Candidates for UCSU Office**

##### **§ 401: Eligibility**

Any student paying full UCSU Student Fees is eligible to be a candidate for UCSU office. Eligibility shall be determined by the Election Commissioner. If at any time a person is found to be ineligible they shall be removed from further consideration for candidacy or election.

##### **§ 402: Petitions**

- (a) Campaign packets, consisting of candidacy petition, election code, UCSU appellate court by-laws and University Facilities General Policy (CUUF), shall be made available at least five weeks prior to the week of election.
  - (b) Any student wishing to appear on the ballot shall apply for candidacy by submitting a petition with signatures from University of Colorado at Boulder students who are eligible to vote in UCSU elections. The petition shall indicate the candidate's name, the office sought, and an optional declaration of a political party affiliation.
- (1) The petition shall include the printed name, signature, and student identification number of each signatory.

- (2) Applicants for candidacy for Representative-at-large shall submit a petition with valid signatures and student numbers from 200 students.
  - (3) Applicants for candidacy for Executive(s) shall submit a petition with valid signatures and student numbers from 500 students.
  - (4) Multiple applicants may appear on the same petition as long as that petition indicates the name of each applicant, the office sought by each applicant, and the political party affiliation, if declared, of each applicant. If multiple applicants appear on a petition each signature shall be counted as though independently provided for each individual applicant.
- (c) All petitions must be submitted by 5pm the third Monday before the election begins.
  - (d) The Election Commissioner and/or the UCSU Office Manager shall verify the signatures on each petition.
    - (1) The signatures shall be verified by selecting a signature at random and verifying that signature and every tenth signature thereafter until 10% of the signatures have been reviewed.
    - (2) A signature shall be considered valid if the name matches the student identification number.
    - (3) Based upon this review a percentage of valid signatures shall be determined and applied to the total number of signatures. The resulting number shall be deemed to be valid signatures.
    - (4) Any applicant may appeal the determination of valid signatures on his or her petition. Upon appeal an unverified signature shall be selected and the verification process shall be repeated.
  - (e) Any applicant who is determined to have submitted a petition with the requisite number of valid signatures shall be declared a candidate and their name shall appear on the ballot for the office declared on the petition.
  - (f) A person cannot be a candidate for both the Executive(s) and a Representative-at-large nor may a person be eligible for election to more than one Representative-at-large seat.

§ 403: Write-in Candidates

- (a) Any eligible student may be declared a write-in candidate if they submit a declaration stating their intent to be a write-in candidate by 5pm the Wednesday before the election begins. Any person who has been declared a candidate for any office under § 402(d) cannot be declared a write-in candidate.
- (b) Only a candidate declared as a write-in candidate as provided in this section may be elected through the write-in process. The Election Commissioner shall count every

write-in vote for a write-in candidate if the Election Commissioner is able to determine the elector's intent to have their vote cast for a particular write-in candidate. A write-in vote for a candidate whose name appears on the ballot shall not be counted.

- (c) The Election Commissioner, may permit a write-in candidate to appear on advertisements paid for by UCSU or to attend any candidate events coordinated by the Election Commissioner. The Election Commissioner, however, may permit exclusion if he or she determines that doing so would undermine the efficiency and effectiveness of the advertisement or event. If the Election Commissioner opens an advertisement or event to one write-in candidate he or she shall open the advertisement or event to all write-in candidates for the same office.

§ 404: Candidates Meeting

- (a) All candidates shall attend a candidates meeting the third Wednesday before the election begins.
- (b) All candidates and write-in candidates shall review and agree to be bound by this code. A candidate shall not appear on the ballot until he or she has reviewed and agreed to comply with this code. A write-in candidate shall not be declared a write-in candidate unless he or she agrees to comply with this code.
- (c) Candidates must assure they provide their name, as it is to appear on the ballot. Changes will not be permitted after the candidates meeting.
- (d) All candidates running under the same party label/slate name shall sign a contract confirming party/slate membership, verified by the campaign manager.
- (e) Election Commissioner must turn in campaign contract forms by the following day to the UCSU front office.
- (f) Candidates should submit a candidate bio within a date set by an IT Tech and the Election Commissioner, after which, changes will not be accepted.

§ 405: Withdrawal

- (a) A candidate may withdraw from the election any time before Certificates of Election are issued, by submitting, in writing or by electronic mail, a declaration of their intent to withdraw to the Election Commissioner.
- (b) Once a candidate issues their intent to withdraw he or she shall be removed from, or not placed on, the ballot and shall not be included in any advertisements or election events. Any votes cast for the withdrawn candidate shall be invalidated.
- (1) If a member of an Executive(s) ticket withdraws any remaining candidates may continue the candidacy and no votes shall be invalidated.

§ 406: Election to Office

- (a) The candidate receiving the greatest number of votes for the office of the Executive(s) shall be elected.
- (b) The candidates receiving the greatest number of votes for the office of Representative-at-large shall be elected until all open seats are filled. In the event of a tie, the tie shall be broken by a random drawing.

**Chapter 5 - Ballot Measures**

§ 501: Forms Permitted

The members of the UCSU have reserved to themselves the right to vote directly on amendments to the UCSU Constitution; matters referred to the students by the Legislative Council; and matters initiated by the students directly.

§ 502: Constitutional Amendments

- (a) Constitutional Amendments may be placed on the ballot by the students directly or by the Legislative Council.
  - (1) The Legislative Council may refer a Constitutional Amendment to the students by 2/3, present and voting, of the Legislative Council. At least two weeks must elapse between the first and second reading of proposed Constitutional Amendments. The proposed amendment(s) for spring election season are due to the UCSU Election Commissioner no later than 7 p.m. on the Friday prior to the week of Spring Break. The proposed amendment(s) for a fall election season are due no later than 7 p.m. on Friday of the week the mandatory candidates meeting falls on.
  - (2) The students may initiate a Constitutional Amendment with the submission of a petition requesting the Constitutional Amendment be placed upon the ballot. The completed petition for the amendment must be delivered to the Election Commissioner no later than the Monday before the Mandatory Candidates and Referendum meeting.
- (b) A Constitutional Amendment shall be declared adopted:
  - (1) If the Constitutional Amendment was referred to the students by the Legislative Council, received at least two thousand votes in favor of adoption, and was approved by a majority of those voting on adoption.
  - (2) If the Constitutional Amendment was initiated by student petition, was approved by a majority of those voting of adoption, received a number of votes in favor of adoption equal to or greater than 10% of those eligible to vote in the election.

§ 503: Referendum

- (a) The Legislative Council may refer, by a majority present and voting, a bill or resolution to the students. For a spring election the Legislative Council must deliver their resolution or bill to the UCSU Election Commissioner no later than 7 p.m. on the Friday prior to the week of Spring Break. The proposed resolutions for a fall election season are due no later than 7 p.m. on Friday of the week the mandatory candidates meeting falls on.
- (b) The bill or resolution shall be adopted by referendum if the bill or resolution is approved by a majority of the students voting on adoption of the Referendum. Bills or resolutions shall not be presented to the Executive(s) for their consideration.
- (c) Adoption of a bill or resolution by referendum shall have the same effect as though the bill or resolution were adopted by the Legislative Council and presented to the Executive(s).
- (d) Any referendum that would allocate or endorse allocation of student fee monies to a student group shall not bind the UCSU and shall be taken for advisory purposes only.

§ 504: Initiatives

- (a) The students may petition to have a bill or resolution placed upon the ballot. The candidate petition must be completed and turned in to the UCSU Election Commissioner no later than the Monday before the Mandatory Candidates and Referendum Meeting.
- (b) The bill or resolution shall be enacted by initiative if the bill or resolution is approved by a majority of the students voting on adoption of the initiative and the total votes cast in favor of adopted are equal to or greater than 10% of those eligible to vote in the election.
- (c) Adoption of a bill or resolution by initiative shall have the same effect as though the bill or resolution were adopted by the Legislative Council and presented to the Executive(s).
- (d) Any initiative that would allocate or endorse allocation of student fee monies to a student group shall not bind the UCSU and shall be taken for advisory purposes only.

§ 505: Petition Requirements

- (a) A petition to place a Constitutional Amendment or Initiative question on the ballot shall have the signatures of 1000 students who are eligible to vote in UCSU elections.
- (b) A petition to place a Constitutional Amendment or Initiative on the ballot shall set forth a title of the measure and the entire text of the proposed amendment or initiative and shall specify that the measure is a Constitutional Amendment or an Initiative.
- (c) Multiple Amendments or Initiatives may be placed upon a single petition and each signature counted as a signature for each as long as the petition sets forth that a single signature constitutes a signature for each amendment or Initiative and each question is clearly identified as a separate question.

- (d) Petitions to place a measure on the ballot shall be due at the same time as petitions for candidacy.
- (e) Petitions for a ballot measure shall be validated in the same manner as petitions for candidacy.

§ 506: Ballot Requirements

- (a) Constitutional Amendments shall be number from 1 on; initiatives shall be numbered from 101 on; referendum shall be lettered from A on.
- (b) The ballot shall either provide the full text of the ballot measure or shall provide a manner in which voters may access the full text of the ballot measure while voting.
- (c) A purpose statement shall be provided for all amendments, referenda and initiatives explaining the impact and reason for the ballot measure. This statement shall be due at the same time as petitions for candidacy.
- (d) The official ballot should be announced two weeks prior to the election.

**Chapter 6 - Election Offenses**

§ 601: Defamation, Libel, & Slander

- (a) Any candidate who engages in speech or publication that is 1) not protected by the Article II, Section 10 of the Colorado Constitution, and 2) would constitute defamation, discrimination, libel, or slander under Colorado law, is liable for an election violation and shall be issued 5 infractions per offense.
- (1) For purposes of this section, the publication of multiple copies of a single publication shall constitute a single offense.

§ 602: Campaign Finance

- (a) Any candidate who fails to submit a campaign finance report as required by § 702(a) of this code shall be issued 10 infractions.
- (b) Any candidate who spends greater then the amount prescribed in § 701 of this code is liable for violating the campaign finance limits and shall be issued 10 infractions.

§ 603: Destruction of Campaign Materials

- (a) Any candidate who alters, defaces, destroys, or removes another candidate's campaign materials is liable for destruction of campaign materials and shall be issued 1 infraction per offense.
- (b) Any candidate may, without penalty, alter, deface, destroy, or remove any campaign materials that are placed on the candidate's property, given or otherwise provided to the

candidate, or if given permission by the owner or renter of property or the proctor of a campus building where materials have been placed.

§ 604: Recycle-able Products

- (a) Any candidate who publishes posters, flyers, or handbills on a material that is not capable of being recycled by the University is liable for an election offense and shall be issued 1 infraction. A candidate may receive a maximum of 4 infractions, per election, under this section.
- (b) A single act of publishing is constituted by 1) the act of purchasing or receiving a material that is not capable of being recycled, 2) printing or copying posters, flyers, or handbills of a single design, regardless of quantity, and 3) distributing the posters, flyers, or handbills to the public.
- (c) The UCSU Environmental Center Director or his or her designee shall review, upon request by a candidate, any material to determine whether it is recyclable by the University. Any candidate who is informed by the Environmental Center, correctly or not, that a material is capable of being recycled by the University shall not be held liable for an offense under this section.

§ 605: Campaigning in UCSU Offices or UCSU Meetings

- (a) Any candidate who campaigns; in any UCSU office; in a Legislative Council meeting; in a meetings of any UCSU joint or advisory board meeting; is liable for 2 infractions per offense. Nothing in this section shall be construed to prohibit a candidate from campaigning in the public spaces UCSU cost centers.
- (b) Under this section campaigning is constituted by wearing apparel, stickers, or buttons; displaying or distributing posters or handbills; creating, preparing, or printing materials; sending electronic mail; creating or updating a website; or making telephone calls; that advocate the election or defeat of a candidate.

§ 606: Candidate-Supporter Liability

- (a) A candidate may be held liable for the conduct of another person if that person was acting at the direction of the candidate. A person is acting at the direction of a candidate if that person is performing some task at the direction of the candidate at the time of the offense regardless of whether the candidate specifically directed the person to commit the offense or not.
- (b) A candidate shall be awarded the number of infractions for the offense committed vicariously upon proof that all elements of the offense were committed and that the candidate was vicariously liable under this section.

§ 607: Burden of Proof

- (a) A candidate may not be held liable for an election offense unless every element of the offense is proven by clear and convincing evidence at a hearing as provided in section § 803(b) of this code.
- (b) Each offense must be proven against each individual candidate.

§ 608: Disqualification

Any candidate that receives ten (10) or more infractions shall be disqualified from the election and shall have their votes vacated.

§ 609: Integration of Offenses

This Chapter constitutes a complete integration of all election offenses. A candidate shall not be held liable for any offense unless that offense is proscribed within this chapter.

## **Chapter 7 - Campaign Finance**

§ 701: Campaign Expenditures

- (a) A campaign expenditure is any money spent or the receipt of goods or services paid for on the candidate's behalf for the purpose of electing a candidate to office. Campaign expenditures include the spending of money or the acceptance of goods or services the candidate received as a campaign contribution.
  - (1) A good is any item, product, or commodity that is provided for sale. A service is the provision of labor in exchange for compensation. The value of a good or service shall be determined as the lesser of the market value of a good or service or the actual amount paid for the good or service. A good that is provided to a candidate that, by virtue of its use by the candidate, does not diminish in value and is returned after the election is not a contribution.
  - (2) The provision of labor and expertise to a candidate shall not constitute a campaign contribution if the person, persons, or entities providing those services are not being compensated. If a person, persons, or entity is providing services as a discounted rate the difference between the normal and customary rate and the actual rate levied is not a campaign contribution. This includes, but is not limited to; volunteering to collect petition signatures; volunteering to "chalk," hand out campaign materials or advocating for the election or defeat of a candidate; designing websites or campaign materials; providing advice to candidates.
- (b) A candidate for Representative-at-large may not spend more than \$500 in the furtherance of their campaign.
- (c) A candidate for Executive(s) may not spend more than \$1500 in the furtherance of their campaign.

§ 702: Campaign Contribution & Expenditure Report

- (a) All candidates shall submit a candidate's contribution and expenditure report by 7pm the day after voting ends.
- (b) The report shall provide the candidate's name, office sought, a ledger for campaign contributions, and a ledger for campaign expenditures.
  - (1) The campaign contributions ledger shall provide the names of all contributors, the amounts contributed or the value, as determined by §601(1)(b), of good or services paid for on the candidate's behalf, and the total amount of all contributions. If the total amount exceeds the amount permitted by §601(2) & (3) the ledger shall indicate the credit as required by §601(4).
  - (2) The campaign contributions ledger shall list all expenditures made, the vendor from which the items were purchased, and the amount of the expenditure. Any goods or services purchased on the candidate's behalf shall be listed as though they were purchased by the candidate, with the value determined in accordance with §601(1)(b).
    - A) A receipt shall be submitted verifying the value of each expenditure. If a receipt is unavailable the candidate shall submit a signed declaration indicating the cost of the item, a description of the item, the date and location of purchase.
- (c) A candidate shall provide a certification that "This report is a true and accurate accounting of all contributions and expenditures made by me in the furtherance of my candidacy for UCSU office."
- (d) Two or more candidates may submit a consolidated report indicating all contributions and expenditures made for the candidates. Each candidate shall be identified, with itemized contributions and expenditures, and shall sign the declaration required in subsection (3) of this section. Candidates may file a joint report if all expenditures made were used for the benefit of all candidates included on the report. Nothing in this subsection shall permit two or more candidates to collectively receive or expend more than the aggregate amount of their individual limits.

## **Chapter 8 - Conclusion of Election**

### **§ 801: Preliminary Election Results**

At the conclusion of the election period the Election Commissioner shall end voting and tabulate the preliminary election results. The preliminary election results shall be posted on the UCSU office door and on the UCSU website as soon as they are available.

### **§ 802: Publication of Campaign Finance Reports**

The Election Commissioner shall retain the original campaign contribution and expenditure report and shall prepare copies that shall be made available to the public by 8am the Monday following the conclusion of the election.

### **§ 803: Election Offense Resolution**

- (a) Any person eligible to vote in the election may prosecute a candidate for the commission of an election offense. To preserve independence and neutrality the Election Commission shall not prosecute or otherwise participate in the prosecution of an election offense except in a manner as provided in this section.
  - (1) All complaints shall be filed by 12 noon the Tuesday following the conclusion of the election. The complaint shall be filed with the Election Commissioner and a copy shall be served upon the named candidate(s). The complaint shall be titled *UCSU ex rel [complainant's name] v. [candidate(s)]*. If no complaint is filed by this time, the Election Commissioner shall certify the results.
  - (2) The complaint shall set forth factual allegations, any evidence or witnesses that may be introduced to support those allegations, and shall set forth which election offenses have allegedly been committed.
- (b) At 12 noon the Wednesday following the conclusion of the election, the Election Commission shall hold an administrative hearing to determine a candidate's liability, if any, for election offenses. The Election Commission may elect to combine two or more complainants against a candidate(s) or to permit each complainant to proceed individually.
  - (1) The complainant(s) shall be provided an opportunity to present their case by calling witnesses and introducing evidence. The candidate(s) shall have an opportunity to cross-examine all complainant witnesses.
  - (2) The candidate(s) shall have an opportunity to present a rebuttal case by calling witnesses and introducing evidence. The complainant(s) shall have an opportunity to cross-examine all candidate witnesses.
  - (3) Both the complainant(s) and the candidate(s) may be represented by either a student representative or legal counsel.
- (c) By 12 noon the Thursday following the conclusion of the election the Election Commission shall issue a written opinion with findings of facts, conclusions of law, and the assessment, if any, of election infractions. Pursuant to §-608 any candidate that receives ten or more infractions shall be disqualified from election. Findings of fact, conclusions of law, and the assessment of election infractions shall be made by a majority of the Election Commission.
- (d) Once the Election Commission has issued its opinion either party or both parties may appeal the Election Commission's decision to the UCSU Appellate Court. The parties to the appeal shall remain the complainant and the candidate(s).
  - (1) A party must appeal the decision of the Election Commission within 5 calendar days of the issuance of the Election Commission's opinion. The appeal shall be filed by submitting a petition, in accordance with the rules of the UCSU Appellate Court, to every member of the UCSU Appellate Court. Copies of the appeal shall be served upon the

UCSU Office Manager and the opposing party or parties. If no appeal is filed within 5 calendar days the Election Commissioner shall certify the election results.

(2) Once an appeal has been filed the Election Commissioner shall not certify the election results until the Appellate Court issues a final opinion, notifies the parties that the Court is not taking the appeal, or 14 calendar days elapse from the issuance of the Election Commission's opinion. After 14 calendar days have elapsed the Appellate Court's jurisdiction over the Election Commission is waived. The Appellate Court shall have no jurisdiction to enter any judgment or Temporary Restraining Order that would prohibit the Election Commissioner from certifying the election results in accordance with this subsection.

A) An Appellate Court opinion shall not be binding unless the opinion;

i) Is submitted in writing to the UCSU office, bears the signature of a majority of a duly constituted Court, and contains a record of the participating justices and the Court's vote, or

ii) Is submitted electronically; is sent to the Election Commissioner, the UCSU Office Manager, the complainant(s), the candidate(s) involved, and the whole membership of the Court; and contains a record of the participating justices and the Court's vote.

(3) When hearing an appeal from the decision of the Election Commissioner the Appellate Court shall review, without deference, all conclusions of law. The Appellate Court shall uphold the Election Commission's findings of fact unless the findings are fraudulent, or arbitrary and capricious, or so grossly erroneous as to necessarily imply bad faith.

§ 804: Certification of Results

(a) The Election Commissioner shall certify the election as provided in this code. The Election Commissioner has no authority to extend or otherwise alter the deadlines in this code unless the Election Commissioner exercised his or her authority under § 202(c) of this code. If the Election Commissioner fails to certify the election as provided in this code the election shall be certified automatically by operation of law.

(b) The election shall be certified by replacing the preliminary results with certified final results. The results shall indicate that they are the certified final results.

(c) The Election Commissioner shall prepare and deliver Certificates of Election to the Legislative Council President, indicating the name and electronic mail address of the elected officers.

(d) The newly elected officers shall be sworn in at the next Legislative Council meeting.

**Chapter 9 - Local School & College Elections**

§ 901: Local Control

School and college elections shall occur in a manner provided by the student government of each school and college.

§ 902: Use of UCSU Elections

- (a) Each school and college may chose to conduct their elections through the UCSU online voting process.
- (b) Each school or college desiring to use the UCSU online voting process shall enter into a memorandum of understanding with the Election Commissioner. The memorandum of understanding shall indicate how a person may qualify to appear on the ballot and whether the Election Commissioner will advertise or otherwise promote the local school or college election or candidates.
- (c) Each school or college should submit full list of candidate names, positions, and seats available per position by the day of the candidate meeting.
- (d) Unless otherwise provided for in the memorandum of understanding the Election Commissioner shall only provide each school or college with the election results. The Election Commissioner shall not enforce any local school or college election rules or hear complaints against local school and college candidates.

**Chapter 10 - UCSU Cost Centers**

§ 1001: Use of Resources

No UCSU Cost Center may endorse, campaign for, or campaign against: any candidate; any write-in candidate; or any constitutional amendment, referenda, or initiative.

No UCSU Cost Center may contribute any money, goods or services to any candidate or write-in candidate, for the purpose of support the election of that candidate, or to any group advocating for the passage or defeat of a constitutional amendment, referenda, or initiative.

No employee of any UCSU Cost Center may use their title or status as an employee to endorse, campaign for, or campaign against: any candidate; any write-in candidate; or any constitutional amendment, referenda, or initiative.

Subsection (c) of this section shall not apply to members of the Legislative Council or to Executive(s).

Subsection (c) of section shall apply to all members of the UCSU Joint Boards, Advisory Boards, Commissions, or Committees.

§ 1002: Enforcement

Each cost center and joint or advisory board shall incorporate the provisions of this chapter into their policy or employment manuals.

## **Chapter 11 - Student Fees**

### § 1101: Use of Student Fees

- (a) No group, organization, or entity may use any student fees awarded from any instrumentality of the UCSU to advocate for the election or defeat of a candidate or the passage or defeat of a constitutional amendment, initiative, or referenda. Nor may any student fees be contributed to any candidate.
- (b) Any group, organization, or entity that receives any student fees in a fiscal year may not use any monies to advocate for the election or defeat of a candidate or the passage or defeat of a constitutional amendment, initiative, or referenda nor may any monies be contributed to a candidate unless the monies are:
  - (1) raised for the purpose of using the money for a political purpose;
  - (2) not commingled in any accounts with student fees awarded from an instrumentality of the UCSU.
- (c) No event may be paid for with student fees, awarded from any instrumentality of the UCSU, if that event is used to solicit donations for monies that are; used to advocate for the election or defeat of a candidate; the passage or defeat of a constitutional amendment, initiative, or referenda; to be contributed to a candidate.
  - (1) Noting in subsection (c) should be construed to prohibit a group, organization, or any other entity from permitting candidates or those advocating for passage or defeat of a constitutional amendment, initiative, or referenda to campaign at an event supported by student fees as long as that event is not being used to solicit monies as prohibited by subsection (c).