



Election Bylaws

*Undergraduate Student Government
Case Western Reserve University*

Last amended: March, 2017

Article I. Purpose

Section A

The purpose of the Election Bylaws is to provide guidelines and rules by which to ensure honest elections which are fair and just to all involved. These Bylaws shall apply to all aspects of elections sponsored by the Undergraduate Student Government of Case Western Reserve University.

Section B

These Bylaws, upon ratification, are inferior only to the USG Constitution, and the USG Operating Bylaws.

Article II. Election Definitions and Timeline

Section A

The following shall define the different types of elections held by the USG:

1. A general election is one in which the entire undergraduate population is eligible to vote for some office.
2. A special election is one in which participation is limited to a particular constituency.
3. A runoff election refers to all secondary elections held to resolve races not initially determined by a general or special election.

Section B

Elections held by the USG will be subject to the following timeline:

1. At least four weeks prior, the Election Commissioner will be appointed by the USG General Assembly
2. At least three weeks prior, the Election Commission must be approved
3. Between three weeks prior and one week prior, Letters of Intent from candidates will be accepted. The Commissioner has the ability to extend this time frame.
4. At least two weeks prior, the Election Commissioner shall recommend relevant caucus sizes, to be approved by the USG General Assembly
5. At least one week prior, a candidates meeting will take place. Campaigning may start thereafter.

Article III. Election Commission

Section A

The governing body for all elections and referenda conducted by the USG will be an Election Commission ("Commission"). The Commission will consist of one Commissioner and a minimum of four Associate Commissioners.

Section B

The Election Commissioner must be a member of the USG or have served on the USG for at least two full semesters previously. The Election Commissioner shall not be any member of the Judicial Board.

Section C

Commission must consist of a minimum of two members of the USG and two non-members of USG from the undergraduate population. Notices should be placed on the USG website, the Observer, or in other means around campus, advertising the recruitment of members for the USG Election Commission from the undergraduate student body. The Election Commission will be appointed by a two-thirds vote of acceptance by the General Assembly members

Section D

A Commission exists for a given election, from the vote of appointment until certification of the results of the election by the Commission and the resolution of all violations, appeals, and recounts.

Section E

Members of the Election Commission may not run for office or campaign for others.

Section F

The Commission reserves the right to replace any Commission member if the other Commission members are unanimously in agreement. The replacement member is appointed by a majority of Commission members.

Section G

Any Commission member may be required to abstain from a vote of the Commission if he or she is found to have a conflict of interest and if the other Commission members are unanimously in agreement.

Section H

The Election Commission will make arrangements for:

1. Coverage of the USG Executive and Representative positions in the Observer, including a list of candidates and the USG voting website URL, if time permits.
2. An optional public debate forum among those seeking USG executive offices.
3. Any other activities that will increase student interest in the USG and in voting
4. The establishment of campus polling stations, either electronic or traditional

Section I

The Commission may establish additional rules governing an election in addition to, and limited by, these Election Bylaws.

Article IV. Candidacy

Section A

Persons seeking to run for office must submit a letter of intent to the Election Commissioner. Submission of the letter of intent constitutes an agreement to accept all Commission decisions, or agreement to appeal Commission decisions through the procedures in these Election Bylaws. The Election Commission has latitude to accept letters of intent requested to be submitted after the established deadline to submit when extenuating circumstances have made earlier submissions infeasible. A candidate's letter of intent may not be changed after being published to the campus, and only with the permission of the Election Commissioner, who shall not deny the opportunity to make changes prior to the established deadline to submit.

Section B

An electronic form of the letter of intent is mandatory for public inspection on the USG website. Publication of a candidate's picture and any other pertinent information shall be at the discretion of the Election Commission.

Section C

No individual may seek to represent a constituency of which he/she is not a part nor is intending to become a member of. The membership status of a candidate with respect to his/her constituency shall be defined by the Election Commission.

Section D

No person shall be eligible to seek an office with the knowledge that he/she will be departing the University before the expiration of that office's tenure.

Section E

All candidates must be undergraduate students and pay the student activity fee. Students not on campus but enrolled with an approved university program may also campaign for office.

Section F

Candidates must be in good academic and disciplinary standing with the University.

Section G

No student may run for more than one USG Executive office or more than one USG Representative Office at the same time. A student may, however, be a candidate for one USG Executive office and one USG Representative Office simultaneously. In the event a candidate for a USG Executive office and a USG Representative office wins both elections, he or she will forfeit their right to the Representative office and assume the Executive office. The Representative office will go to the candidate that received the next highest vote total.

Article V. Campaign Practices

Section A

All candidates must run a fair campaign and abide by the campaign regulations in these bylaws and as set by the Election Commission.

Section B

Any campaigning shall be conducted in a manner that will not interfere with classroom or business activities of the campus. The Commission has the duty and the authority to apply and interpret campaign regulations. Before the election begins, the Commission will provide a copy of these Election Bylaws, the University Posting Policy, and Housing, Residence Life & Greek Life regulations, and any other publication it deems necessary, to all candidates.

Section C

All campaigns will be run in an ethical manner with mutual respect shown toward other candidates at all times. Candidates will be held responsible for instructing all supporters to follow these campaign regulations. Candidates will be held responsible if any campaign worker or supporter does not follow election regulations. A supporter is defined as an individual that actively promotes the candidate. The candidate is responsible for notifying the Election Commissioner of violations or possible violations that occurred without his or her prior knowledge, as soon as they occur. Any attempt by a candidate or supporter to purposely undermine another candidate's campaign will result in severe sanctions, as determined by the Election Commission.

Section D

Neither slander nor libel will be tolerated in any campaign. Slander, the oral form, and libel, the written form, shall be defined as false statements that either injure another's reputation or defame another's character. In such cases of confirmed misconduct, the original intent of the statement will be held immaterial to the content and extent of the slanderous or libelous speech. At minimum, any slanderous or libelous statements will result in a sanction requiring retraction and public apology. Individuals committing slander or libel may also be subject to University or Housing and Residence Life judicial action.

Section E

Any candidates for a USG Executive position is limited to spending no more than \$100 or the equivalent personal property. Any candidate for a Representative position is limited to spending no more than \$50 or the equivalent personal property. Gifts and donations are included in this limit. No person or USG Recognized Organization may use Student Activity Fee money to campaign for or promote any candidate. Financial disclosure statements must be turned in within four hours after the request of the Election Commission.

Section F

Undergraduate students who run an active write-in campaign will be subject to the same campaigning regulations as those who submitted letters of intent (i.e. campaign policies, spending limits, etc...). Furthermore, no write-in candidate who may potentially be elected will be certified as the winner until his/her academic and other probation status has been verified by the Election Commission.

Section G

Candidates must be ethical in their e-mail practices. Mass e-mail campaigns shall not be considered ethical

Section H

Candidates must follow all University posting regulations. Enforcement of University posting regulations shall be conducted by and at the discretion of the Election Commission.

Section I

Candidates may not establish tickets when running in the USG Elections and no campaign material may express support for more than one candidate.

Article VI. Voting Eligibility

Section A

All regularly enrolled students paying the student activity fee or on a University approved program may cast a ballot in elections, short of restrictions enumerated within these Bylaws.

Section B

For USG Representative elections, each voter will be eligible to vote for one representative per position from the constituency of which he or she is a member. For Executive positions, each voter will be eligible to cast one ballot for each position. Students' residency, class and academic college status may be determined by the Election Commission from a list provided by the University Registrar prior to the election.

Section C

If a voter is not a member of a specific constituency at the time of the election, the voter will choose a constituency for the purposes of the election.

Article VII. Procedure

Section A

USG Elections can either be conducted by an online voting system or a traditional system utilizing voting polls. The USG Election Commissioner will decide on the type of system to be used prior to the candidate nomination period.

Section B

The following regulations apply to any online voting system decided upon by the USG Election Commissioner. One general e-mail will be sent out by the Election Commissioner to the undergraduate student body informing students of the online voting

system no later than two days prior to the election. This e-mail must include the dates that online voting will be made available. A second e-mail will be sent out by the Election Commissioner the day of the election at 8:00 AM with a link to the online voting location. After this second e-mail is sent, polling will officially begin.

Section C

Any polling station established by the Commission, either electronic or traditional, will be governed by the following regulations:

1. The "polling area" will be defined as any room in which polls are located and all area within at least 30 feet of the entrance to such room, or if outdoors, within at least 30 feet of any polling device.
2. Any campaigning material posted inside of a polling area will be removed immediately upon the open of the polls in that room.
3. In a polling area, no verbal statements are to be made, or material is to be distributed, which relate in any way to any candidate.
4. Campaigning material attached to clothing items (such as buttons, stickers, and shirt imprints) are permitted to be worn into polling areas.
5. All candidates and their supporters will have the right to inspect and remain within any polling station at all times, provided they follow the above regulations.
6. The Commission reserves the right to limit candidate(s) from entering the polling area, except to pass through for non-USG related matters, if necessary

Section D

The Commission will have the power to enact any necessary procedures to ensure ballot security. Any technical flaw in the election could result in an automatic restart of voting, at the discretion of the Election Commission.

Section E

Any fraudulent attempts to alter the outcome of the election will be referred to the appropriate agency whether student disciplinary, civil, or criminal. Such action constitutes a violation of the Information Technology Services Ethics Policy and Case Western Reserve University rules and regulations.

Article VIII. Enforcement

Section A

All violations or possible violations must be brought immediately to the attention of the Election Commissioner in writing or by e-mail. They will research the violation and possible solution in conjunction with the Election Commission and reach a decision, or call an emergency meeting of the Election Commission to review possible sanctions. All rulings by the Election Commission are public record and should be posted on the USG website.

Section B

The Commission may, if violations of election rules are found to have occurred, impose any sanction deemed necessary, including but not limited to the following:

1. An appropriate warning is issued
2. Removal of campaign literature
3. Suspension of a candidate's campaign privileges
4. Removal of a candidate from a race, and possible invalidation of any ballots cast for that candidate
5. Cancellation or invalidation of any or all races and scheduling of a new race.
6. Referral to appropriate University office for judicial action

Section C

The Commission will have the power to impose any such sanctions on any member of the CWRU undergraduate community who violates election regulations, as the commission deems necessary. This includes campaign workers, supporters, or applicable third parties, who have campaigned for another in any way, and write-in candidates who have campaigned for themselves in any way. A third party is an individual or group that actively campaigns for or against a candidate or group of candidates.

Section D

Student organizations or campus groups that are found in violation of these Election Bylaws will be reported to the USG Judicial Board. The group's or organization's President may also be held responsible for the group's inappropriate actions.

Section E

Any illegal advertisements for a candidate are the ultimately responsibility of the candidate, regardless of whether or not the supporter had any prior knowledge of the advertisement. The candidate must deal with the violation accordingly, especially by immediate remediation and by providing notification to the Election Commission.

Section F

All violations or possible violations must be reported within 24 hours after the announcement of election results.

Section G

The Commission will have the authority to enforce all decisions dealing with the election by a majority vote of a quorum of Commission members. Quorum consists of one half of the total Commission members.

Section H

Any candidate, supporter, or third party that is accused of an election violation has the right to defend themselves in person before the Commission or other body considering the violation. If the candidate, supporter, or third part asserts this right, the Election Commission shall schedule a meeting that does not conflict with the candidate, supporter, or third party's established academic or professional schedule.

Article IX. Tallying Procedures

Section A

Each student will be able to cast one ballot in each race for which he or she is eligible to vote.

Section B

Elections for Executive positions will be decided by an instant runoff system. Each voter shall rank candidates in a preferred order, and is not required to rank all candidates. The candidate receiving a majority of ballots cast will be declared the winner. Should no candidate receive greater than 50% of votes cast, the candidate who received the fewest number of ballots shall be removed from tallying. If there is a tie for the fewest ballots, all such tied candidate shall be removed. The removed candidate's ballots shall then be redistributed among the remaining candidates, with each ballot going to the next remaining candidate in the voter's listed preference order. If no further candidates remain on a ballot, that ballot will be discarded. This process will be repeated as needed for each position.

Section C

Elections for Representative positions will be decided by a simple plurality system

Section D

If any race ends in a perfect tie, a runoff election will be held in accordance with Article XI.

Section E

The Commission will tally ballots, declare winners, and publish election results within 24 hours of the close of voting. In the event that a violation is being considered, the Commission must still publish the results within this timeframe, but retains all powers granted to it until the resolution of the violation, including the power to invalidate the results.

Section F

A candidate may request a recount of votes or ballots cast for their position following the publication of the results.

Article X. Appeals

Section A

A candidate may make an appeal of a Commission decision regarding infractions, sanctions, or recounts in writing or via email to the Chief Judicial Officer within 48 hours of notification of a Commission decision.

Section B

The USG Judicial Board will determine if an appeal will be granted. The Judicial Board must respond to an appeal request within 48 hours.

Section C

The Assembly must consider appeals at the next USG meeting. If appeals are considered at the last meeting of the academic semester, all efforts must be made to resolve the appeal. If there are no scheduled USG meetings, an emergency meeting must be scheduled.

Article XI. Runoff Elections

Section A

Should a perfect tie occur in the race for USG President, a campus-wide runoff election shall occur within one week of the publication of the results of the initial election, as scheduled by the Commission.

Section B

Should a perfect tie occur for any other USG position being elected, the General Assembly shall decide the race.

Section C

For all other circumstances in which a winner cannot be determined, including invalidation of a race or position, the Commission shall schedule a campus-wide runoff election (or among the relevant constituents in the case of a Special Election) within one week of the publication of the results of the initial election.

Section D

Only candidates who were involved in a tie for winner of a position will be candidates in a runoff election for that position.

Section E

All candidates in a runoff election must continue to abide by all campaigning regulations until the publication of the runoff results.

Section F

The Commission may impose additional regulations on a runoff election, and may alter any previous regulations, as limited by these Bylaws.

Section G

All other parts of these Bylaws, including tallying and appeals procedures, apply to runoff elections as well.

Article XII. Amendments

Section A

Any amendments to these Bylaws must be introduced to the USG General Assembly, tabled, and published in an all-campus publication prior to the vote. Amendments must be passed by a two thirds vote of the General Assembly.