CONGRESSIONAL BILL NO. 820304
SENATE BILL NO. GF09-12

AS INTRODUCED

An act relating to UOSA election procedures; amending the
UOSACA Title VII, Chapter 2, Section 11, Paragraph (a),
Subsection (i), Paragraph (h), clarifying language; amending the
UOSACA Title VII, Chapter 2, Section 12, Paragraph (b),
clarifying language; amending the UOSACA Title VII, Chapter
3, Section 20, Paragraph (d); adding an additional rule; amending
the UOSACA Title VII, Chapter 4; clarifying language;
modifying campaign spending fines; modifying election timelines
relating to complaints, appeals, and validation; providing short
title; providing for codification, and providing an effective date.

BE IT ENACTED BY THE UNIVERSITY OF OKLAHOMA STUDENT ASSOCIATION:

Section 1: This Act shall be known and may be cited as the Gress-Stidham Fair Elections Act of 2009

Section 2: AMENDATORY. Title VII, Chapter 2, Section 11, Paragraph (a), Subsection (i), Paragraph
(h) of the UOSACA is hereby amended to read as follows:

a. Election Chair
The Election Chair shall be appointed by the UOSA President with the advice and consent
of the Legislative Branch. The appointee must be submitted to the Legislative Branch for
advice and consent at least three (3) academic weeks before election filing begins.

i. Responsibilities
   a) The Election Chair shall be responsible for conducting the election and
      enforcing the election rules as established by this Title.
   b) Consistent with this Title and the Election Procedures Act, the Election
      Chair may make such rules and procedures and take such action as he/she
      deems necessary to effect the provisions and intent of this Title and to
      ensure a fair election. Such rules and procedures shall be considered
      binding unless overturned on appeal.
   c) The Election Chair shall ensure that the academic districts and/or eligibility
      requirements of all candidates are verified at least forty-eight (48) hours
      prior to the election.
   d) The Election Chair shall post the locations of all polls before campaigning
      begins.

Printing funded by UOSA
e) The Election Chair shall make all initial rulings concerning election procedures publicly available in writing and/or on any official elections website.

f) The Election Chair shall assign by random drawing before campaigning begins chalking areas of equal size and visual impact to each UOSA Presidential race ticket and each CAC Chair candidate at five (5) prominent locations on campus.

g) The Election Chair shall publicly post confirmed disclosed spending information for all UOSA Presidential candidates and all CAC candidates four (4) days prior to the election.

h) The Election Chair shall make all correspondence, applications, records, reports, and forms regarding all elections available for public inspection in the UOSA office except when state and/or federal law does not allow.

i) The Election Chair shall make reasonable effort to distribute information regarding assessment of fines to affected candidates by electronic mail.

j) The Election Chair shall hold office hours to assist candidates prior to and during the election process. During the filing period and campaigning periods the Election Chair shall hold a minimum of three (3) office hours a week between the hours of 8 a.m. and 5 p.m. in the UOSA office. The office hours schedule shall be publicly posted by the Election Chair.

ii. Appointing the Election Board

The Election Chair shall appoint the Election Board with the advice and consent of the Legislative Branch. The Election Board may not consist of anyone currently holding an office within UOSA. The Election Chair may designate any member of the Election Board to act on his/her behalf.

iii. Report

At the conclusion of each election, the Election Chair shall make a report to the Superior Court for their consideration in validating an election. The report shall include information about polling irregularities and a written, itemized list of fines assigned to each candidate. This report must be submitted to the Superior Court within forty-eight (48) hours following the closing of the polls. The Election Chair shall also file a report of the results of the election to be kept in the UOSA executive offices. This report shall also be submitted to the UOSA President, the Undergraduate Student Congress, the Graduate Student Senate, and General Counsel and shall include:

a) The total number of votes cast for each candidate or ticket at each poll,
b) The total number of consenting and dissenting votes in any referenda,
c) Any written rulings issued by the Election Chair,
d) The minutes of the Election Board and Superior Court proceedings,
e) Information about any election irregularities or problems, and
f) Other appropriate information.

iv. Vacancy

If the position of Election Chair is not filled in accordance with the legislative advising and consenting process, the office of General Counsel shall fulfill all duties of the Election Chair until one is officially appointed.

Printing funded by UOSA
Section 4: AMENDATORY. Title VII, Chapter 2, Section 12, Paragraph (b) of the UOSACA is hereby amended to read as follows:

b. Compensation

Following validation of the final results of each General Election or Special Election by the Superior Court, members of the election staff shall undergo an oversight interview by the Executive Committee of Undergraduate Student Congress. The committee shall approve the compensation, deny the compensation, decrease the compensation, or transfer the compensation to another individual. Decrease, denial, or transfer shall require a majority approval of the Legislative Branch. Compensation for Election Staff shall be established by an act of the Legislative Branch.

For General or Special Elections, compensation shall be as follows:
Election Chair: two hundred (200) dollars for the fall general election and four hundred (500) dollars for the spring general election
Election Board Members: forty (40) dollars

For each day of an election, compensation shall be as follows:
Each poll operator:
(Individual): twenty (20) dollars
(Registered UOSA Student Organizations): seventy-five (75) dollars

Section 5: AMENDATORY. Title VII, Chapter 3, Section 20, Paragraph (d) of the UOSACA is hereby amended to read as follows:

d. General Campaign Rules

Candidates shall take reasonable measures to ensure that every individual campaigning on behalf of the candidate or volunteering for the candidate is aware of campaign rules and guidelines. Candidates shall be liable for the campaign infractions of their campaigners and volunteers even if the candidate did not specifically direct the offending action. Candidates may be assessed fines if their campaigners or volunteers are found to be guilty of breaking campaign regulations. Some of these rules are university policies. Thus, candidates are advised that they may be subject to University disciplinary proceedings, as well as UOSA campaign infractions proceedings.

i. All campaign material shall be accredited to the sponsoring candidate, organization or entity. Said material shall include the following phrase: “Funded by [said sponsoring candidate, organization or entity].”

ii. Candidates shall not use any outdoor loudspeaker or public address system.

iii. Candidates shall not send any unsolicited electronic messages.

iv. Candidates shall not campaign or display in any manner campaign material within fifty (50) feet of polling locations or University computer labs during the day(s) of election, and chalking is prohibited in these areas for the length of the campaign.

v. Unless explicitly allowed by the Election Chair, candidates shall not campaign or post candidate information or advertising on any website hosted or operated by OU IT other than the official candidates’ statements.

vi. No campaign shall remove, alter, cover, obscure, chalk within, or otherwise tamper with another candidate’s campaign materials.
vii. Candidates shall not attach campaign materials to lampposts, trash bins, or benches.
viii. Only dry chalking is allowed on sidewalks. Paint, tape, and wet chalk are prohibited on sidewalks, as is chalking on any vertical surface (buildings, steps, sides of ramps, etc.) or under overhangs.
ix. In races other than the UOSA Presidential race and the CAC Chair, only yellow and/or white dry chalking is permitted on campus sidewalks.
x. Candidates shall not use the letterhead, logo, or any symbol that represents the University of Oklahoma or University entities.
xii. Candidates shall assume responsibility for the accuracy and truthfulness of their statements and campaign materials.
xiii. Candidates shall not unduly disrupt the normal activities of the University.
xiv. Candidates shall not post campaign materials in a University elevator.
xv. Candidates shall not post campaign materials in or on a CART vehicle.
xvi. Candidates shall not use or distribute campaign stickers.
xvii. Employees of the University shall not campaign for candidates while on duty as an employee.
xviii. Candidates may campaign only in ways consistent with this Title.
xix. Violators shall be prosecuted before the Superior Court.

Section 6: AMENDATORY. Title VII, Chapter 4 of the UOSACA is hereby amended to read as follows:

Title VII, Chapter 4
Elections, Oversight & Enforcement

25. Candidate Disqualification
Election officials shall not disqualify any candidate unless the candidate: (1) requests to be removed from the ballot in accordance with the provisions of this title; (2) fails to turn in a properly completed filing application on time; (3) fails to meet the eligibility requirements; or (4) campaign expenditures exceed 15% of spending cap for candidates race. No candidate shall be disqualified by election officials within forty-eight (48) hours of the election. All disqualifications shall be voted on by the Election Board and said rulings shall be publicly posted. The Election Chair shall notify all affected candidates by e-mail. All disqualifications are subject to appeal to the Superior Court. If an appeal is submitted within five (5) days of the Election Board’s ruling and at least twenty-four (24) hours before the election, candidates shall remain on the ballot until the Superior Court hears the appeal.

26. Attendance and Reporting Requirements
The Election Board may impose a fine of no more than twenty dollars ($20.00) for failing to attend the mandatory candidates’ meeting and they may impose a fine of no more than fifteen dollars ($15.00) for failing to turn in a campaign expenses report. No other fines or penalties shall be imposed by election officials except as provided otherwise by this title. All fines shall be publicly posted and the Election Chair shall notify all affected candidates by e-mail. The Election Chair may waive any fine at his or her discretion.

27. Campaign Rules Infractions
All complaints regarding violations of UOSA campaign rules shall be submitted in writing to the Election Board within five (5) business days of the incident which generated the complaint or within one (1) business day of the close of the polls – whichever is sooner. The Election Board shall make a ruling within one (1) business day after the complaint has been submitted. Weighing the gravity and intent of each incident, the Election Board may impose fines of no more than twenty dollars ($20.00) for each campaign infraction, unless said fine is otherwise provided for in this title. The Election Board may also impose a fine of no more than one hundred dollars ($150) for failing to remove campaign materials after an election.

28. Election Chair Rulings
Any UOSA member may request a ruling on any election rule or procedure by submitting a petition in writing to the UOSA Office. The Election Chair shall rule on all petitions within twenty-four (24) hours. All rulings shall be publicly posted and the Election Chair shall distribute the ruling to all candidates by e-mail. The Election Chair’s rulings shall be considering binding on elections until overturned by the Superior Court and these rulings shall not be subject to being overruled by an Opinion of the General Counsel. The Election Chair shall not make any unilateral rulings regarding alleged campaign infractions, as this power is reserved for the Election Board. A request for a ruling from the Election Chair does not toll any applicable statute of limitations listed elsewhere in this title, nor does it create a new charge or cause of action for an incident for which the statue of limitations has already run.

29. Complaints and Appeals
All complaints and appeals of the rulings of the Election Board and/or Election Chair must be submitted in writing to the UOSA Office within five (5) business days of the incident or ruling which generated the complaint or appeal or within three (3) business days of the close of the polls – whichever is sooner. The Superior Court shall provide copies of all complaints and appeals relating to the election to the General Counsel, the Election Chair, and all other affected parties. The General Counsel, the Election Chair, and all affected parties shall have at least forty-eight (48) hours to file a written response. The Superior Court may also schedule oral arguments at its discretion – provided that it affords the General Counsel, the Election Chair, and all affected parties the opportunity to address it. If any of these parties chooses not to take advantage of said opportunity, then Superior Court proceedings shall not be delayed.

30. Certification of Results
The Election Board shall meet within twenty-four (24) hours of the close of the polls to certify the unofficial election results. The unofficial election results shall be publicly posted and the Election Chair shall distribute said results to all candidates by e-mail.

31. Campaign Spending Requirements
The Election Board shall review all campaign spending reports and determine whether any spending limits have been violated. They shall impose a fine of fifty percent (50%) ten percent (10%) of the spending in excess of the spending cap. If the Election Board is unable to determine whether spending limits have been violated due to missing or incomplete campaign expense reports, they may impose an additional fine of no more than one hundred fifty dollars ($150.00) for each Executive Branch ticket and CAC Chair candidate. All fines are subject to appeal to
the Superior Court. All fines shall be publicly posted and the Election Chair shall notify all affected candidates by e-mail.

32. **Election Report**
The Election Chair shall also prepare an Official Report which shall be submitted to the Student Body President, the Undergraduate Student Congress, the Graduate Student Senate, the Superior Court, the General Counsel, and the Oklahoma Daily within forty-eight (48) hours of the close of the polls. The Official Report shall include: (1) the total number of votes cast for each candidate, ticket, or ballot item at each poll; (2) any fines or rulings of election officials; and (3) information about any election problems or irregularities. At his or her discretion, the Election Chair may also include any other appropriate information pertaining to the Election.

33. **Election Fraud**
All complaints regarding election fraud shall be submitted in writing to the Office of the General Counsel within three (3) business days of the close of the polls. The General Counsel shall review all complaints and determine whether there is sufficient cause to warrant formal charges. If the General Counsel decides to press formal charges, he or she shall notify the affected candidate or election official, collect all available evidence and testimony, and prosecute the offender in front of the Superior Court. The General Counsel shall make all decisions regarding whether he or she wishes to press formal charges within five (5) business days of the incident which generated the charges or within three (3) business days of the close of the polls.

34. **Election Validation**
The Superior Court shall meet within ninety-six (96) hours of the close of the polls to consider the validation of the election. If there is any case pending before the Superior Court relating to the election, the ninety-six (96) hour timeline shall be suspended until the court rules on the pending matter. Upon issuance of ruling(s), the aforementioned timeline shall resume. Any issues relating to the validity of the election during validation proceedings shall be presumed to be regular unless clear and convincing evidence is presented to the contrary. The Superior Court shall not be permitted to raise any issues pertaining to the election sua sponte. It shall only rule upon those points raised by a party in an official complaint or appeal and shall only invalidate the election in accordance with the standards set forth in this title based upon issues expressly and specifically raised in an official complaint or appeal considered and ruled upon prior to validation proceedings. If the Superior Court fails to rule whether the election is valid or not valid make any ruling within seven (7) business days of the close of the polls, the election shall be considered valid – subject only to attack on the basis of claims arising explicitly from provisions of the UOSA Constitution.

35. **Superior Court Rulings**
The Superior Court shall issue a ruling on all complaints and appeals within five (5) days. All rulings shall be publicly posted and the Superior Court shall distribute the ruling to all candidates by e-mail.

36. **Standing**
With the exception of issues raised by the General Counsel and the Election Chair, the Superior Court shall not hear any matter relating to an election unless the petitioner first shows: (1) a distinct and palpable injury to himself or herself; (2)
the injury is caused by the challenged activity; and (3) that the injury is apt to be redressed by a remedy that Superior Court is able prepared to grant.

37. Rules of Law
In rendering decisions relating to elections, the Superior Court shall cite the specific constitutional or statutory provisions or the previous precedents that it is applying. In the absence of any governing authority on a specific point in question, the Superior Court shall refer to the governing federal, state, and local precedents. All opinions of the Superior Court shall contain (1) a succinct statement of the conclusion or holding; (2) a statement of the applicable rule of law; (3) an explanation of the rule of law; (4) an application of the rule to the facts of the dispute; and (5) a brief restatement of the conclusion or holding.

38. Grounds for Invalidation
The Superior Court shall not enjoin or invalidate an election unless there is clear and convincing evidence that the true will of the voting public is not reflected. To set aside an election, there must be gross fraud which leaves the intent of the voters in doubt or irregularities in the conduct of the election of such nature as to affect the result. The wrongs against the freedom of election must have prevailed, not slightly or in individual cases, but generally and to the extent to render the result doubtful.

39. Penalties
The Superior Court shall have no authority to disqualify any candidate except when confirming a decision of the Election Board. Weighing the gravity and intent of each incident, the Superior Court may confirm, overturn, or reduce any fines imposed by the Election Board. The Superior Court shall have no power to impose any other fines except those based upon issues raised in an official complaint or appeal. If the Superior Court finds a candidate or an election official guilty of election fraud, it may impose a fine of no more than two hundred fifty dollars ($250.00). It shall report such findings to Student Affairs for possible disciplinary action. It shall also report such findings to the Congressional Administration Committee of the Undergraduate Student Congress so that that body may initiate censure and impeachment proceedings as appropriate.

40. Collection of Fines
All fines shall be submitted to Student Affairs and collected through the Bursar’s Office. Funds generated by election fines shall be deposited in the University of Oklahoma account named “Congressional Development” under the line item “Elections” for the Legislative Branch of UOSA.

41. Curative Acts
If necessary, the Congressional Administration Committee of the Undergraduate Student Congress may also author legislation curing any election irregularities by ratifying the actions election officials might have taken beyond the scope of their authority. Any legislation curing election irregularities which passes both Houses of the Legislative Branch and which is signed into law by the Student Body President shall take on the full force and effect of law – regardless of whether said legislation is written as an act or a resolution or whether said legislation complied with any timeline requirements set forth in other provisions of the code. The Superior Court shall have no jurisdiction to hear any issues arising from said legislation – except those issues arising explicitly from provisions of the UOSA Constitution. All
complaints or appeals arising from irregularities affected by this legislation shall be dismissed by the Superior Court as being moot.

42. **Violations of Federal, State, and Local Law**
Although all candidates and election officials are expected to comply with all applicable federal, state, and local laws, nothing in this title shall be misconstrued so as to create a charge or a cause of action under which a candidate may be punished, fined, or disqualified by any UOSA official, board, commission, or court. Remedy for such actions must be pursued through the appropriate federal, state, or local authorities.

43. **Violations of the University Rules and Policies**
Although all candidates and election officials are expected to comply with all of the university’s rules and policies, nothing in this title, unless explicitly stated, shall be misconstrued so as to create a charge or a cause of action under which a candidate may be punished, fined, or disqualified by any UOSA official, board, commission, or court. Remedy for such actions must be pursued through the appropriate university authorities.

**Section 7:** This Act shall become effective when passed in accordance with the UOSA Constitution.

**Author(s):** Rep. Matthew Gress, Vice-Chair of Congress, Social Sciences District

**Co-Author(s):** Susan Adams-Johnson, Graduate Senate Chair

Submitted on a Motion by:

**Action taken by Congress:**

Verified by Chair: _________________________________ Date: __________________

Submitted on a Motion by: for consent Sen. Ryan Ralston, seconded by Sen. Jason DeFreitas

**Action taken by Senate:** Passed by consent, no objections

Verified by Chair: _________________________________ Date: __________________

Approved by UOSA President: _________________________________ Date: __________________

Approved by the University President: _________________________________ Date: __________________