THE UNIVERSITY OF OKLAHOMA STUDENT GOVERNMENT ASSOCIATION

UNDERGRADUATE STUDENT CONGRESS
CONGRESSIONAL SESSION XCI
February 25, 2014

GRADUATE STUDENT SENATE
SENATE SESSION GS-14
March 2, 2014

CONGRESSIONAL BILL NO. 910601
SENATE BILL NO. GS14-05

AS INTRODUCED
An act amending Title VII of the SGA Code Annotated;
providing for codification; providing for a short title;
and providing for an effective date

BE IT ENACTED BY THE UNIVERSITY OF OKLAHOMA STUDENT GOVERNMENT
ASSOCIATION:

Section 1: TITLE. This act shall be known and may be cited as the “Election Procedures Act of 2014”

Section 2: PURPOSE. To amend the SGACA to enact changes in the current election procedures

Section 3: Title VII, Chapter 1, Section 1 of the SGACA shall be amended to read as follows:

Title VII – Elections
Chapter 1 – General Provisions

1. Definitions

Academic week – Any week (Sunday through Sunday) during which the University holds classes for at least one day.¹

Campaign Spending – 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 SGA 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 (services performed entirely by University of Oklahoma students).

Candidate – A person qualified to be placed on the ballot for an election. For the purposes of this Title, “candidate” includes helpers, volunteers, workers or any other person expressly or impliedly acting on behalf of a candidate.²

Day – One day shall be defined as one business day, unless otherwise noted.

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²
Designated Agent – A person chosen and registered by a candidate with the ability to represent the candidate in any official capacity.

Election Fraud – Any act or omission completed or attempted with the intent to deprive a candidate or voter of his/her rights.

Majority – Shall constitute at least 50% plus one vote of the ballots cast.

Polling Place and Polling Location – Any location established by an Act of Legislation and officially run by the SGA Election Staff or their designee at which polling shall take place.

Spending Value – Values used in spending calculations and disclosures to reflect the fair cost of donated materials. The values assigned by the candidate are subject to investigation and may be altered by the Election Board.

SGA Presidential Race – The SGA Presidential race includes candidates for SGA President and SGA Vice President running together as one ticket.

Written Notification – In all cases where written notification is required, electronic mail shall be considered written notification after the authenticity of the sender is verified.

Publicly Posted – Conspicuously posted in the SGA Office

Section 4: Title VII, Chapter 3, Section 19 of the SGACA shall be amended to read as follows:

Title VII – Elections
Chapter 3 – Candidates

19. Campaigning

c. Campaign Spending

i. There shall be an upper limit placed on all campaign spending. The spending limit shall be established at $2000 for each Executive SGA Presidential, CAC Chair, HCSA Presidential, and SBA Presidential ticket, $1500 for each CAC Chair candidate, and $250 for each Student Congress Representative candidate.

ii. All campaign spending shall be accounted for. The Elections Chair shall provide standardized forms for this purpose.

iii. At least seven (7) days before the election, Candidates shall file an Expense Report. Each report shall list and briefly describe the expenses incurred by or on behalf of the reporting 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.
iv. By 5pm 4pm the day after the General Election, candidates shall file a Final Expense Statement. The candidates, due to extraordinary circumstances, may request in writing an additional 24 hours, given the request must be made by 5pm 4pm of the primary Final Expense Statement deadline. The Election Board shall then vote upon receipt of written request, whether to grant the candidate’s request. The Final Expense Statement shall contain the following information:

a) An itemized listing of all campaign expenses, with appropriate original receipts or copies thereof;
b) The total amount of all campaign expenses;
c) An itemized listing of all donations made to the campaign, including materials carried over from previous campaigns and utilized during the current campaign;
d) The total amount of all campaign contributions, and;
e) A statement attesting to the validity of the reported information, signed by the candidate or his/her designated agent.

v. The Election Board shall review each Final Expense Statement to verify that the information provided is complete and accurate. The Election Board shall also determine whether any spending limits have been violated. In making this determination, the Election Board shall have full authority to resolve any questions concerning the retail value of goods and services not evidenced by receipts or other verified documentation.

vi. Incorrect/incomplete reports may not be accepted and may subject the candidate to a fine as provided for in chapter four of this title.

vii. Budgets from two or more candidates may not be combined in any way. Any campaign material promoting more than one candidate must be expensed at actual cost or fair market value, depending on the appropriate circumstance, by each candidate named.

viii. Candidates must list the entire cost of each individual expense that results in campaign material that in any way suggests support for their candidacy. There shall be no prorating of costs to account for unused campaign items which were purchased.

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 SGA 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 SGA 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.

xi. Candidates shall assume responsibility for the accuracy and truthfulness of their statements and campaign materials.

xii. Candidates shall not unduly disrupt the normal activities of the University.

xiii. Candidates shall not post campaign materials in a University elevator.

xiv. Candidates shall not post campaign materials in or on a CART vehicle.

xv. Candidates shall not use or distribute campaign stickers.

xvi. Candidates shall not damage any University property and shall be responsible for any damage caused by that said candidates’ campaign materials.

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.

xx. Candidates can distribute buttons.

Section 5: Title VII, Chapter 3, Section 20 & 21 of the SGACA shall be amended to read as follows:

20. Procedure for Run-off in Presidential and CAC Elections
The Presidential, HCSA, SBA, and CAC race shall be popularly elected by a majority vote of the ballots cast for that purpose. There shall be an instant electronic run-off between the top two candidates to determine the majority if no candidates received a majority of the ballots cast in the original election.

21. Election of Undergraduate Student Congressional Positions
To determine which Undergraduate Student Congress Representative seats are eligible for election, the Election Chair shall request a list of open seats from the Chair of Undergraduate Student Congress before filing begins. Upon conclusion of voting, votes shall be tabulated using the Meek Method of Single Transferable Vote. Candidates in each district shall be elected based on preference-ranking point tabulation of seats available. Because of the nature of this method, software shall be used to calculate the elections.
Section 6: Title VII, Chapter 3, Section 20 & 21 of the SGACA shall be amended to read as follows:

Title VII – Elections
Chapter 4 – Oversight and Enforcement

24. Disqualification
Election officials shall not disqualify any candidate or ballot initiative unless the candidate or proposing entity:

(1) requests removal 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 the specified race; or (5) commits 3 or more campaign rules infractions. 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.

25. 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.

26. Campaign Rules Infractions
All complaints regarding violations of SGA 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 days 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) fifty dollars ($50.00) 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.

Section 7: This act shall become effective when passed in accordance with the SGA Constitution.

Author(s): Representative Taylor Petersen, Vice Chair of Undergraduate Student Congress

Co-Author(s): Avik Mukherjee, SGA Election Board Chair

Submitted on a Motion by: Representative Bourland, second Representative Byron

Action taken by Congress: Passed by roll call vote 30-0-0

Verified by Chair of Congress: ____________________________ Date:_______

Submitted on a Motion by:

Action taken by Senate:

Verified by Chair of Senate: ____________________________ Date:_______

Approved by SGA President: ____________________________ Date:_______