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## Senate Bill (S) 52-018 An Act to Clarify and Update Title VII

University of South Florida. Student Government Senate

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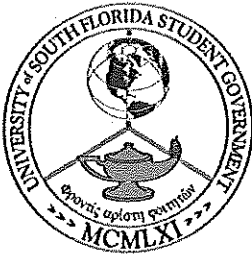
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## University of South Florida Student Government Senate



SB [S] 52-018

An Act to Clarify and Update Title VII  
52<sup>nd</sup> Term  
Fall 2011

*The intent of this legislation shall be to make several clarifications and updates to definitions, Election procedures and general verbiage within Title 7.*

### A SENATE STATUTORY AMENDMENT

Be it enacted by the Senate of the University of South Florida Student Government assembled, that the following changes be made to the Student Government Statutes:

### Chapter

700

#### Definitions of Terms for Student Government Elections

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- 700.1** The following terms shall apply only for the purposes of Title 7 of these Statues. These terms shall be considered binding in all legal actions brought forth during an election.
- 700.2** **Ballot**- The electronic form containing the names of the candidates, any constitutional amendments, any referenda, or any recalls to be presented to the electorate on which they will vote on the items presented before them.
- 700.3** **Beyond Reasonable Doubt**- The standard that must be met by the claimants evidence that no other logical explanation can be derived from the evidence except that the claim made by the claimant is valid.
- 700.4** **Bribe**- A prize, reward, gift or favor given or promised with ~~a view~~ the intent to influence another vote for a particular candidate or ticket. Any campaign materials approved by the Election Rules Commission and given during official campaigning shall not constitute as a bribe or bribery.
- 700.5** **Campaign Budget Statement**- An itemized list of all campaign expenditures made by a candidate(s) or their respective campaign staff, and all campaign contributions received by a candidate or their respective campaign staff.

- 700.6 Campaign Contributions**- The donation of any resource, at a reduced price or without cost to the candidate, or their campaign staff, from a person or entity, on or off campus, for the purpose of furthering a campaign for a Student Government office. Non-monetary campaign contributions shall be assessed at fair market value.
- 700.7 Campaign Expenditures**- The spending of money by a candidate, or their campaign staff, for the purposes of campaigning for a Student Government office. Candidates shall include sales tax when reporting expenditures.
- 700.8 Campaign Materials**- Any physical or electronic materials which promote a candidate or impugn another candidate.
- 700.9 Campaign Staff**- Any person who is working or volunteering on behalf of a campaign ticket in any capacity.
- 700.10 Campaign Staff List**- The official list of Campaign Staff for each individual Campaign Ticket maintained by the Election Rules Commission and submitted by a Campaign Ticket.
- 700.11 Campaign Ticket**- A joint Presidential and Vice-Presidential ticket that has been certified by the Election Rules Commission to campaign.
- 700.12 Campaigning**- An expression by any medium attracting public attention whether radio, television, newspaper, magazine, periodical, direct mail, e-mail, display, leaflet, speech, or any other means which shall transmit any idea furthering the candidacy of any person.

| **700.137012.1 Active Campaigning**- Campaigning in which the person campaigning engages individuals in a direct manner. One example is a candidate passing out flyers or other promotional materials to a constituent. Further examples of active campaigning shall be outlined in the Election Rules Commission Rules of Procedure.

| **700.147012.2 Passive Campaigning**- All campaigning in which the person campaigning engages individuals in an indirect manner. One example is a constituent wearing a campaign button to promote a candidate. Further examples of passive campaigning shall be outlined in the Election Rules Commission Rules of Procedure.

| **700.13 Candidate**- A person who has been certified by the Election Rules Commission as eligible to run for an elected Student Government office.

| **700.15700.14 Certification** – The process by which tentative election results are made official.

| **700.16700.15 Constitutional Amendments**- Proposed changes to the Student Body Constitution which have been passed by the Senate, signed by the President, and presented to the electorate to be voted on.

| **700.17700.16 Declaration of Intent to Run**- An official form that a candidate signs to officially declare their intent to be certified for a Student Government position.

**700.18700.17 Donation-** Any contribution, monetary, or otherwise, given to a candidate, campaign, or campaign staff member by any individual or entity, specifically for use in the campaign including, but not limited to, campaign staff other students, or any non-student individual or entity.

**700.19700.18 Election Rules Commission (ERC)-** An official entity of Student Government created to oversee the execution and logistics of all Student Government elections. This commission is comprised of a Supervisor of Elections, ~~four~~ three Deputy Supervisors of Elections, a Supervisor of Senate Elections, and Assistant Deputies. If an election is called prior to the formation of the Election Rules Commission, the full time staff of the Advising, Training and Operations Bureau shall assume the responsibilities of the ERC.

**700.19.1** If an Election Rules Commission is named after an election has been called and before an election has been held, the Advising, Training and Operations Bureau will continue to carry out its statutory responsibilities as stated in the preceding definition for the current election.

**700.20700.19 Electorate-** The officially enrolled student body, as determined by the Office of the Registrar, at the University of South Florida, Tampa Campus. Students enrolled in the USF system may vote for Student Body-President and Vice-President.

**700.21700.20 Student Government Executive Referendum-** An action which allows any Student Government Officer, the President, with the consent of the Senate and Student Body President, the power to call for a Referendum in which the electorate will vote on the issue presented to them.

**700.22700.21 Expedited Elections-** Any elections held in the event that a Supreme Court ruling or other circumstances result in an election needing to be rescheduled. These elections will follow an abbreviated version of the original election schedule.

**700.23700.22 Fair Market Value-** The price a person or entity would charge any other student for a good or service.

**700.24700.23 General Election-** The annual spring semester election during which the President and Vice President, as well as, the new term of Senators are elected.

**700.25700.24 Governing Documents-** For the purposes of enforcement of Title 7, this shall refer to the Student Body Constitution, Student Government Statutes, and the Election Rules Commission Rules of Procedure. Additional documents may be created or adopted by the Election Rules Commission, but shall not conflict with the governing documents. Only documents which have been approved by the Election Rules Commission and presented to the candidates shall be binding.

**700.26700.25 Student Initiative and Referendum-** An action which allows any USF student, by petition, ~~to initiate a project to be voted on within the same term~~ to bring forth a question or issue constitutional amendment or a project to be voted on by the electorate.

**700.27700.26 Interim Elections-** The elections held after the General Election to fill any open Senate seats or present any issues that must be voted on by the electorate. These elections shall be called as determined by the Senate and Senate quorum.

**700.28700.27 Majority-** A vote of 50%+1 of the total electorate who voted in the election; applicable to university-wide Student Government elections only.

**700.29700.28 Members of the Election Rules Commission** - Includes all employees, paid or non-paid, who comprise the Elections Rules Commission.

**700.30700.29 Mobile Polling Station-** The use of any laptop, PDA, cell phone, or other portable device by candidates, groups, or individuals on behalf of a candidate for the purposes of voting in any election.

**700.31700.30 Midterm Election-** The annual fall semester election in which new senators are elected to fill vacancies in the Senate and to propose any new constitutional amendments. If the past general election was chosen by selection of last resort then the Vote of Confidence will also take place in this election.

**700.32700.31 Officers of the Election Rules Commission** - Includes all paid employees who comprise the Election Rules Commission.

**700.33700.32 Official Polling Station-** A device or outlets of voting that is directly operated by the Election Rules Commission on voting days for the General Election and the Run-Off Election, if necessary.

**700.34700.33 Plurality-** The election of Senators, within their college, using the total vote count of the electorate who voted in the election. The Electorate may vote for as many Senators as the number of seats allocated for their respective college. Senate seats shall be distributed to the Senator with the highest vote count until all seats have been filled within each respective college.

**700.35700.34 Post Election Report-** A comprehensive report compiled by the Supervisor of Elections that includes reports from all employees of the Election Rules Commission. The report shall include an in depth synopsis of strengths, weaknesses, opportunities, threats and recommended changes to the election process. This report is compiled following each general election.

**700.36700.35 Recall-** An action which allows any USF student, by petition, to initiate a vote of the electorate in which an elected Student Government officer may be removed from their position.

**700.37700.36 Restricted Area-** Any physical location that has been restricted from active and/or passive campaigning by the Election Rules Commission, any University Entity, College, Building Manager or Dean.

**700.38700.37 Run-Off Election-** The election which shall occur if no candidates receive a majority vote in the election for the offices of President and Vice President. The Run-Off Election shall take place between the two tickets who received the most votes in the election. If there is a tie between two Senate candidates for the last seat in any college then a Run-Off Election will occur between these two candidates.

| ~~700.39~~700.38      **Special Elections**- Any election which is held, as necessary, throughout the academic year following the General Election. These elections shall include Expedited Elections, Interim Elections, and elections to present Recalls, Referenda, and Constitutional Amendments.

| ~~700.40~~700.39      **Statute of Limitations**- A statute setting a time limit on legal action in certain cases.

| ~~700.41~~700.40      **Total Campaign Value**- The sum of all campaign expenditures and campaign contributions as reported by a candidate in the Campaign Budget Statement.

| ~~700.42~~700.41      **Unofficial Intent to Run**- An un-official and private declaration to a student(s)' peers that they have intent to apply for certification to run for a Student Government position.

| ~~700.43~~700.42      **Unrestricted Area**- Any physical location that is free for any individual to campaign on behalf of any Campaign Ticket.

| ~~700.44~~      **Verbal Campaigning**- ~~Campaigning that consists of spoken words and does not involve any written materials.~~

## Chapter

### 701

#### Election Rules Commission

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##### 701.1 Elections Rules Commission

- 701.1.1** The Election Rules Commission shall be comprised of the Supervisor of Elections, and may include and is limited to, three Deputy Supervisors of Elections, the Supervisor of Senate Elections, and Assistant Deputies.
- 701.1.2** The Supervisor of Elections, Deputy Supervisors of Elections, and Supervisor of Senate Elections shall be eligible for remuneration.
- 701.1.3** The following individuals shall not serve on the Election Rules Commission:
- 701.1.3.1** Non-Students
  - 701.1.3.2** Any student employed by Student Government departments, offices and agencies
  - 701.1.3.3** Any member in Executive Cabinet in addition to Agency Directors and Assistant Directors
  - 701.1.3.4** Any member of the Legislative Branch and its interns
  - 701.1.3.5** Any member of the Judicial Branch and its interns
  - 701.1.3.6** Students running for any Student Government position during that term.
- 701.1.4** Deputy Supervisors of Elections and the Supervisor of Senate Elections shall be nominated by the Supervisor of Elections from a pool of applicants and the nominees shall go before the Senate for confirmation
- 701.1.5** All other members of the Election Rules Commission shall be appointed by the Supervisor of Elections.
- 701.1.6** Should the Supervisor of Elections not appoint the necessary Election Rules Commission positions, by the end of January, then the President must issue an Executive Order insisting action by 4:59:59 PM the second day of business in February. The General Election may not proceed until all officers of the Election Rules Commission have been properly selected.

**701.1.7** Should the Supervisor of Elections be unable to perform their duties the order of succession for the Election Rules Commission shall be:

**701.1.7.1** Supervisor of Senate Elections

**701.1.7.2** Deputy Supervisors of Elections (Seniority, by confirmation)

**701.1.8** No member of the Election Rules Commission shall be a candidate for any election they preside over nor campaign, endorse, or actively assist a candidate outside of their duties as a member of the Election Rules Commission. Should an accusation from an individual be brought forth regarding a violation of this policy, it shall be submitted in a memo to the Senate President Pro Tempore who will call for the creation of a Senate Impeachment Committee. Assistant Deputies who violate this policy may be removed from their position by the Supervisor of Elections.

**701.1.9** The Election Rules Commission shall adopt a Rules of Procedure which shall not conflict with any Student Government governing document.

**701.1.10** Said Rules of Procedure shall be submitted to the Senate Committee on Rules and the Senate Committee on the Judiciary and Ethics for their joint approval at least five (5) business days before the onset of campaigning. Any subsequent amendments must be approved by both committees.

**701.1.11** The President may remove any Election Rules Commission member(s) with the advice and consent of the Senate by a Supermajority vote.

**701.1.12** The Senate may end the ERC's Supervisors time in office four weeks after spring break or any time after that.

## **701.2 Duties of the officers of the Election Rules Commission**

**701.2.1** Be available during office hours to assist other members of the Election Rules Commission, candidates, and students.

**701.2.2** Observe the ongoing election process and examine campaign materials for violations.

**701.2.3** Propose changes to the Election Rules Commission Rules of Procedure.

**701.2.4** Vote on proposed changes to the Election Rules Commission Rules of Procedure.

**701.2.5** Propose changes to Title 7 of the SG Statutes to the Senate.

**701.2.6** Create and change forms for candidacy, as necessary.

**701.2.7** Create and distribute all certificates of election for all elected positions.



### **701.3 Duties of the Supervisor of Elections**

- 701.3.1** Manage and oversee the daily operations of the Election Rules Commission.
- 701.3.2** Ensure all Election Rules Commission positions are filled throughout the election.
- 701.3.3** Inform candidates of the election rules and regulations through a Candidates Meeting.
- 701.3.4** Certify candidates and approve their signed paperwork.
- 701.3.5** Distribute all necessary information to candidates in the election.
- 701.3.6** Set deadlines for candidates not outlined in the governing documents.
- 701.3.7** Inform candidates of any violations they may have been assessed.
- 701.3.8** Vote on any issue in the event of a tie during an Election Rules Commission meeting.
- 701.3.9** Announce locations and operating hours of all official polling stations at least five business days in advance of any election.
- 701.3.10** Announce the cancellation of an election due to the university closing or problems with the voting system.
- 701.3.11** Announce the results of the General Election and Run-Off Election.
- 701.3.12** Certify the results of the election.
- 701.3.13** Sit on a Senate created Ad-Hoc Committee, following the General Election, to suggest ways to improve the election process.
- 701.3.14** Attend all Election Rules Commission sponsored events including the Election Rules Commission debates and the annual Presidential Inauguration Ceremony.
- 701.3.15** Temporarily assume any Election Rules Commission position in the event that the person cannot fulfill their duties.
- 701.3.16** May terminate any employed deputy two weeks after spring break or any time after that.

### **701.4 Duties of the Supervisor of Senate Elections and the Deputy Supervisors of Elections**

- 701.4.1** Handle the daily business of all Student Government elections.
- 701.4.2** Ensure candidates comply with the governing documents.
- 701.4.3** Accept grievances filed by students against Candidates.
- 701.4.4** Propose Violation Assessments for technical violations.
- 701.4.5** Propose Violation Assessments for financial violations.
- 701.4.6** Vote on the assessment of violations to a candidate.
- 701.4.7** Testify in cases brought to the Supreme Court.

## 701.5 Duties of Assistant Deputies

- 701.5.1 Assist the Supervisor of Elections.
- 701.5.2 Operate official polling locations throughout the campus on voting days.
- 701.5.3 Seek additional volunteers on voting days to help with official polling locations.

## 701.6 Election Procedures

- 701.6.1 Online voting shall be utilized in all Student Government elections.
- 701.6.2 The Election Rules Commission shall make public the locations of all Restricted and Unrestricted Campaign zones prior to Official Campaigning. No candidate may receive violations for campaigning in areas that are not made known by the Election Rules Commission to be restricted. The Election Rules Commission must research all locations that are restricted by the University.

701.6.3 The Election Rules Commission shall set up and operate a minimum of 5.3 official polling stations throughout the campus during regular business hours (9 a.m. – 5 p.m.) on voting days for the General Election and Run-Off Election.

701.6.3.1 The Election Rules Commission shall set up and operate a minimum of 1 official polling station on campus during regular business hours (9 a.m. – 5 p.m.) on voting days for the Midterm Elections and Run-Off Election.

~~701.6.3~~701.6.3.1.1 In the event that at least two officers of the Election Rules Commission have not yet taken office, an official polling station SGATO shall not be required. ~~to set up the polling station.~~

701.6.4 Students who have declared a major shall vote for Senators in the college in which they are majoring. Students, who have not declared a major or have not been accepted to the program they are majoring in, shall vote for Senators in the college of their choice. Students that have declared two or more majors in two different colleges may only vote for Senators from one college and may choose the college in which they wish to vote for.

701.6.5 No undergraduate student may vote for a Senator in a college that is restricted to graduate students.

701.6.6 Only non-student staff members of the Student Government Advising and Training Services Bureau, the Student Government graduate assistant or their non-student designee may have access to the vote counts during active voting. The aforementioned parties shall not share the running tally of vote counts with any other student **or individual**, unless **requested**-by the University Board of Trustees, **their designees** or applicable courts. The vote counts and all documents pertaining to the voting system shall be made public once active voting is complete and archived for historical purposes.

**701.6.7** The Student Government Advising and Training Services Bureau shall be responsible for maintaining the format of the infrastructure being utilized for voting. Any changes being made to the voting system shall require the authorization of the Director of the Student Government Advising.

**701.6.8** The Election Rules Commission shall certify the results of the General Election on the Friday following the close of the polls at 5:00 PM. If a Run-Off occurs, then the results of the Run-Off Election shall be certified on the Friday following the close of the polls at 5:00 PM. These certifications shall include notice of any pending Supreme Court cases involving the election. The results of the General and Run-Off Elections are not official until certified by the Election Rules Commission.

**701.6.9** All campaign materials shall have the sponsor's name on said material. The specific template and any applicable exceptions shall be outlined in the ERC's ROP.

**701.6.9.1** Violations of this statute can only be filed by the Election Rules Commission.

**701.6.10** Campaigns may not use University and Student Government logos or trademarks. Students may use the likeness of any University figure head or Administrator so long as this does not imply official endorsement. Official endorsement shall be at the discretion of the Election Rules Commission and in its Rules of Procedure.

**701.6.10.1** Specific exceptions shall be provided by the ERC at the request of the aforementioned figureheads and administrators.

## Chapter

### 702

#### General Requirements and Regulations for Candidacy in the General Election

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##### 702.1 Candidacy

**702.1.1** Students interested in running for the offices of President/Vice President and Senator will be able to pick up an application packet from the Election Rules Commission in the fall semester prior to the General Election.

**702.1.2** Candidates will be allowed to apply Monday through Friday, except holidays, beginning the first day of classes. The application shall be due to the Election Rules Commission no later than the close of business (4:59:59PM) on the Friday of the third week of classes of the Spring Semester.

**702.1.2.1** To apply for candidacy, candidates must submit the following required forms in order to be put on the ballot.

**702.1.2.1.1** The official application packet

**702.1.2.1.2** A Declaration of Intent

**702.1.2.1.3** A Buckley Waiver

**702.1.2.1.4** A petition form with the signatures of students currently enrolled at the University of South Florida

**702.1.2.1.4.1** President/Vice-President tickets shall be required to acquire one-hundred and fifty (**150**) student signatures from any college at the University of South Florida.

**702.1.2.1.4.2** Senatorial candidates shall be required to acquire fifty (**50**) students currently enrolled in the college that the applicant is applying for.

**702.1.2.2** Candidates may only engage in verbal campaigning while collecting signatures for the petition.

**702.1.3** Candidates shall be required to attend at least one of the official candidates meetings. There will be at least three meetings scheduled before Official Campaigning.

**702.1.4** The week prior to the two weeks of Official Campaigning shall be reserved for the Student Government Advising and Training Operations Bureau to check the eligibility of candidates. When the Student Government Advising and Training Operations Bureau have completed this check, they will contact the Election Rules Commission who will certify the candidate to run in the election. If a candidate is found to be ineligible to run for office they will be notified of the reason for their ineligibility.

**702.1.5** Candidates shall not run for more than one office. Senatorial candidates shall not run for more than one Senate seat during the election.

**702.1.5.1** Candidates shall run in the college they are currently registered in according to ~~Banner~~ the Office of the Registrar.

**702.1.5.1.1** If a student is registered in more than one college, they must choose which college they will run in.

**702.1.6** No undergraduate candidate may run in a college that is restricted to graduate students.

## **702.2 Expenditures**

**702.2.1** Each Presidential/Vice-Presidential ticket and Senatorial Candidate shall submit a completed Campaign Budget Statement to the Election Rules Commission before they will be allowed to officially campaign. This statement shall include all campaign contributions and any campaign expenditures with all receipts attached.

**702.2.2** A Campaign Ticket or Senatorial Candidate shall submit an amended expense form to the Election Rules Commission when making purchases during the weeks of campaigning, detailing the cost and providing the receipt.

**702.2.3** Misreported information on the Campaign Budget Statement may result in major/minor violations being assessed against a candidate.

## **702.3 Campaigning**

**702.2.3** Official Campaigning shall begin two weeks prior to the week of voting for the General Election and will end when the polls close on the final day of voting.

**702.2.4** Students may not actively or passively campaign prior to Official Campaigning.

**702.2.4.1** Students may solicit the assistance of campaign staff and organizers.

**702.2.5** Presidential/Vice-Presidential Candidates shall select a student to act as their Campaign Manager. The Campaign Manager shall supervise a campaign ticket's logistics, paperwork, finances, and all Campaign Staff. The Campaign Manager shall also ensure that all Campaign Staff is familiar with all the rules, statutes, and regulations that pertain to the elections and campaigning.

**702.2.5.1** Senatorial Campaign Managers and Campaign Staff are optional, but are required to be reported to the Election Rules Commission.

**702.2.6** Any student or non-student may engage in Passive and/or Active Campaigning.

**702.2.7** Rights and restrictions on campaign materials shall be outlined in the Election Rules Commission Rules of Procedure and Title 7.

### **702.3 Campaigning Code of Ethics**

**702.3.1** No candidate or member of a campaign shall threaten or commit any violence to any member of a campaign ticket.

**702.3.2** No candidate or member of a campaign shall commit or attempt to commit extortion or blackmail.

**702.3.3** No candidate or member of a campaign shall knowingly provide false information before the Election Rules Commission or Supreme Court.

**702.3.4** No candidate or member of a campaign shall not withhold any financial records when reporting a budget or changes to the budget.

**702.3.5** No candidate or member of a campaign shall commit or attempt to commit a bribe.

**702.3.6** No candidate or member of a campaign shall commit slander or libel.

**702.3.7** No candidate or member of a campaign shall commit destruction or theft of any campaign material.

**702.3.8** No candidate or member of a campaign shall use any A&S funded materials for any political campaigns with the exception of materials produced in Student Government Computer Services.

**702.3.9** No candidate or member of a campaign shall condone or authorize the destruction or theft of any campaign material.

**702.3.10** No candidate or member of a campaign shall cast or attempt to cast more than one vote or tamper with the election software.

**702.3.11** No candidate or member of a campaign shall condone or authorize the casting of more than one vote or tampering with the election software.

**702.3.12** No candidate or member of a campaign shall condone, authorize, or sponsor mobile polling stations.

**702.3.13** No candidate or member of a campaign shall distribute campaign materials by sliding material under doors of residence halls.

## **702.4 General Election Ballot**

- 702.4.1** There shall be no write-in candidates.
- 702.4.2** Candidates shall not run for more than one position during the General Election.

- 702.4.3** Should a Presidential or Vice-Presidential Candidate remove their name from a campaign, the remaining candidate must select and report the replacement to the Election Rules Commission within forty eight hours.

- 702.4.3.1** Violations assessed shall remain in effect for the new ticket.

- 702.4.4** Candidates may withdraw from the election at any time by submitting a Withdrawal form. Candidates who withdraw from the election may not reapply for any position in that General Election after the close of applications.

- 702.4.5** The candidate's legal name shall be on the ballot. The Election Rules Commission may allow nicknames to be listed along with the legal name on the ballot.

- 702.4.6** The order of the candidates' names on the ballot shall be determined by a randomized selection process as determined by the voting software.

## **702.5 Major and Minor Violations**

- 702.5.1** Should the actions of any Campaign Ticket, Campaign Staff or Senatorial Candidate violate Student Government Statutes or Election Rules Commission Rules of Procedure, the respective Campaign Ticket or Senatorial Candidate may be held liable. If actions are proven beyond a reasonable doubt, then the Election Rules Commission may assess violations to the respective Campaign Ticket or Senatorial Candidate.

- 702.5.2** The Election Rules Commission does not have jurisdiction beyond Student Government Statutes and Election Rules Commission Rules of Procedure.

- 702.5.2.1** Violations of University Policy and Student Code of Conduct shall be determined by the office of Student Rights and Responsibilities.

- 702.5.2.2** Violations of municipal, state and federal law shall be determined by the judiciary of the respective government.

**702.5.3** The Election Rules Commission will accept grievances against Senatorial Candidates, Campaign Tickets and their staff throughout the weeks of campaigning for the General Election. Grievances may be filed by students, faculty, or staff for violations of policies regarding Active Campaigning and Campaign Materials.

**702.5.3.1** The burden of proof, beyond reasonable doubt, in assessment of violations lies with the person who filed the grievance. Grievances filed without any proof of the allegations shall be discarded.

**702.5.3.2** The Supervisor of Elections has the discretion to dismiss any grievance with proper justification.

**702.5.4** The Election Rules Commission may assess violations to Campaign Tickets or a Senatorial Candidate for grievances filed, if the grievance is proved beyond a reasonable doubt.

**702.5.5** The Election Rules Commission may assess violations to Campaign Tickets or a Senatorial Candidate for technical violations such as late paperwork, failure to acquire required signatures, etc. These violations will be handled by the Election Rules Commission and grievances will not be accepted accusing a candidate of these offenses.

**702.5.6** The Election Rules Commission may assess violations to Campaign Tickets or a Senatorial Candidate for misreported information on the Campaign Budget Statement. These violations will be handled by the Election Rules Commission and grievances will not be accepted accusing a candidate of this offense.

**702.5.7** The Election Rules Commission may assess violations to Campaign Tickets or a Senatorial Candidate for violations of the Campaigning Code of Ethics and other Student Government statutes.

**702.5.8** Upon receipt of a grievance, the Election Rules Commission will inform the affected Campaign Ticket or Senatorial Candidate of their potential violation and information about the grievance hearing.

**702.5.9** The Election Rules Commission will discuss the statements from both parties, look at the evidence, and vote on whether or not to assess violations to the Campaign Ticket or Senatorial Candidate. Violations shall be assessed in accordance with Election Rules Commission Rules of Procedure.

**702.5.10** All violation assessments may be appealed to the SG Supreme Court.

**702.5.11** A Campaign Ticket shall be disqualified should the Campaign Ticket accumulate a major violation or three minor violations.



**702.5.12** No grievances may be filed with the Election Rules Commission after the certification of the results of the General Election.

#### **702.6 Run-Off Elections**

- 702.6.1** After the results of the General Election have been announced, the Election Rules Commission will inform the candidates as to whether or not a Run-Off Election will need to be held. All the policies and procedures of the General Election shall apply to a Run-Off Election, except those changed by the policies and procedures found below.
- 702.6.2** Run-Off Elections shall occur the following Tuesday and Wednesday after the official announcement and certification of the election results.
- 702.6.3** No purchases may be made for the Run-Off Election until the Election Rules Commission has determined which Campaign Tickets shall participate in the Run-Off election.
- 702.6.4** Campaigning will begin immediately following the official announcement that a Run-Off Election will occur and end upon the closing of the polls on the final day of voting.
- 702.6.5** Violations assessed to candidates in the General Election shall remain in effect until the announcement of the results of the Run-Off Election.
- 702.6.6** No grievances shall be filed once the Election Rules Commission has certified the Run-Off election results.

## Chapter

### 703

#### General Requirements and Regulations for Senate Midterm Elections

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##### 703.1 Occurrence of Election and Determination of Vacancies

- 703.1** The Mid-Term election shall take place the second Tuesday and Wednesday of October. The purpose of a Mid-Term election is to fill vacant Senate seats and propose any Constitutional Amendments.
- 703.2** The total number of vacant seats shall be determined by the Senate President Pro Tempore in conjunction with the Advisor and made public prior to the onset of the elections.

##### 703.2 Candidacy

- 703.2.1** Students interested in running for the Senate will be able to pick up an application packet from the Election Rules Commission in the fall semester beginning on the first day of classes.
- 703.2.2** Candidates will be allowed to apply Monday through Friday, except holidays, beginning the first day of classes. The application shall be due to the Election Rules Commission no later than the close of business (4:59:59PM) on the Friday of the third week of September.
- 703.2.3** To apply for candidacy, candidates must submit the following required forms in order to be put on the ballot.
- 703.2.3.1** The official application packet
  - 703.2.3.2** A Declaration of Intent
  - 703.2.3.3** A Buckley Waiver
  - 703.2.3.4** For Mid-Term elections, Senate Candidates shall be required to attend an official Candidates Meeting. There will be at least two meetings scheduled for Senatorial Candidates before Official Campaigning begins. At these meetings, candidates will be given a Senatorial Candidates Packet.
- 703.2.4** The week prior to the first week of campaigning shall be reserved for the Student Government Advising and Training Services Bureau to check the eligibility of candidates. When the Student Government Advising and Training Service Bureau has completed this check, they will contact the Election Rules Commission who will certify the candidate to run in the election. If a candidate is found to be ineligible to run for office they will be notified of the reason for their ineligibility.

**703.2.5** Candidates shall not appear on the ballot unless all required paperwork has been received by the Election Rules Commission.

**703.2.6** Candidates may request changes to documents which they have submitted to the Election Rules Commission by submitting a Change Request form.

### **703.3 Mid-Term Election Ballot**

**703.3.1** There shall be no write-in candidates

**703.3.2** Senatorial candidates shall not run for more than one Senate seat during the election.

**703.3.2.1** Candidates who have declared a major shall run for a Senate seat in the college in which they are majoring.

**703.3.2.1.1** Candidates shall run in the college they are currently registered in according to ~~Banner~~ the Office of the Registrar.

**703.3.2.2** If a student is registered in more than one college, they must choose which college they will run in.

**703.3.2.3** Candidates who have not declared a major shall run in the college of their choice.

**703.3.3** No undergraduate candidate may run in a college that is restricted to graduate students.

**703.3.4** Candidates may withdraw from the election at any given time without penalty by submitting a Withdrawal form. Candidates who withdraw from the election may not reapply.

**703.3.5** The candidate's legal name will be required to put on the ballot. The Election Rules Commission may allow nicknames to be listed along with the legal name on the ballot.

**703.3.6** The order of the candidates' names on the ballot shall be determined by a randomized selection process as determined by the voting software.

## **703.4 Expenditures**

**703.4.1** Candidates shall submit a completed Campaign Budget Statement to the Election Rules Commission before they will be allowed to officially campaign. This statement shall include all campaign contributions and any campaign expenditures with all receipts attached.

**703.4.1.1** All Campaign Budget Statements shall be posted on the Student Government Website.

**703.4.2** A Campaign Ticket or Senatorial Candidate shall submit an amended expense form to the Election Rules Commission when making purchases during the weeks of campaigning, detailing the cost and providing the receipt.

**703.4.3** Misreported information on the Campaign Budget Statement may result in violations assessed against a candidate.

## **703.5 Campaigning**

**703.5.1** Campaigning shall begin two weeks prior to the week of voting for the Midterm Election and will end on the final day of voting.

**703.5.2** Students may not actively or passively campaign prior to Official Campaigning.

**703.5.2.1** Students may solicit the assistance of campaign staff and organizers

**703.5.3** Rights and restrictions on active campaigning for candidates shall be outlined in the Election Rules Commission Rules of Procedure and Title 7.

**703.5.4** Any student or non-student may engage in passive and/or active campaigning.

**703.5.5** Rights and restrictions on campaign materials shall be outlined in the Election Rules Commission Rules of Procedure.

## **703.6 Violation Assessment**

**703.6.1** Mid-term Elections shall follow the violation assessment procedure of the General Elections.

## **703.7 Run-Off Elections**

**703.7.1** After the results of the Midterm Election have been announced, the Election Rules Commission will inform the candidates as to whether or not a Run-Off Election will need to be held. All the policies and procedures of the Midterm Election shall apply to a Run-Off Election, except those changed by the policies and procedures found below.

**703.7.2** Run-Off Elections shall occur the following Tuesday and Wednesday after the official announcement and certification of the election results.

**703.7.3** Campaigning will begin immediately following the announcement that a Run-Off Election will occur and end on the final day of voting.

**703.7.4** No grievances shall be filed once the Election Rules Commission has certified the Run-Off election results.

## Chapter

### 704

#### General Elections and Student Government Supreme Court

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##### 704.1 General

**704.1.1** In all Supreme Court hearings where the Election Rules Commission is a party, they will be represented by the Student Government Attorney General.

**704.1.2** The burden of proof shall rest with the plaintiff and appellant.

**704.1.3** The Statute of Limitations for election cases to be filed with the Supreme Court shall be twenty-four hours after the close of the polls for the General Election or the Run-Off Election if it occurs.

**704.1.4** All rulings by the Supreme Court in elections cases shall be made within 48 hours after the close of the hearing. The Supreme Court will issue the necessary opinions for the case within 72 hours of the ruling.

**704.1.5** All adjudication shall only be applicable in the context of the elections for the University of South Florida Student Government. All rulings and decisions made shall have standing only for the purposes of the elections for the University of South Florida Student Government and shall have no standing in any other judicial or legal entity outside of the jurisdiction of the Student Government at the University of South Florida.

##### 704.2 Appeal of Violation Assessment

**704.2.1** Candidates who feel that violations were assessed to them incorrectly during an election may appeal these violations to the Supreme Court. Multiple violation assessments may be handled by the Supreme Court as one singular appeal.

**704.2.2** Violations assessed by the Election Rules Commission may be appealed to the Supreme Court only on the following grounds:

**704.2.2.1** There was a procedural error in the way the Election Rules Commission handled the situation.

**704.2.2.2** There was bias within the Election Rules Commission.

**704.2.2.3** The violation assessment was not applied consistently with the governing documents.

**704.2.3** Appeals of violation assessment shall follow the Supreme Court trial procedure for appellate jurisdiction as outlined in the Supreme Court Rules of Procedure.

**704.2.4** Should a candidate be removed by the Election Rules Commission and not have time to appeal the decision prior to the official voting days for a General Election or Run-Off Election then the candidate will continue to campaign. The Supreme Court may invalidate the votes received by the candidate if the violation assessment is upheld.

**704.2.5** The Supreme Court shall have the authority to reverse or uphold violations assessed to any candidate in cases of violation appeal.

**704.2.5.1** The Court shall not reduce major violations to minor violations.

## Chapter

### 705

#### Special Elections

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##### 705.1 Interim Elections

**705.1.1** The Senate may only call for an Interim Election through a super majority vote of the Senate.

**705.1.2** The Senate may not hold an Interim Election unless the total number of filled Senate seats falls below (85%) of the total number of allotted seats.

**705.1.3** The total number of vacant seats shall be determined by the Senate President Pro Tempore in conjunction with the Advisor and made prior to the onset of the Interim Elections.

**705.1.4** Upon announcement of an Interim Election, the officers of the Election Rules Commission will meet to draft a plan for the specifics of the election.

**705.1.5** An Interim Election may only call for a Senatorial Election.

**705.1.6** The officers of the Elections Rules Commission may be subject to impeachment for decisions made during an Interim Election.

**705.1.7** No part of an Interim Election may be held during Spring Break, Winter Break, or any University Holiday.

**705.1.8** There must be an Election Rules Commission for an Interim Election to be called.

##### 705.2 Recalls

**705.2.1** A Recall election may be called at any time during an academic semester and will be handled by the Student Government Advising, Training and Operations Bureau with the assistance of the Election Rules Commission.

**705.2.2** Upon announcement of an Recall Election, the officers of the Election Rules Commission will meet with the Student Government Advising and Training Office to draft a plan for the specifics of the election.

**705.2.3** Any student enrolled at the University of South Florida, Tampa Campus, can initiate a recall petition in accordance with the Student Body Constitution.



**705.2.4** The Recall election shall be held no later than three (3) weeks after the individual recalling the officer has submitted all appropriate materials necessary to hold a recall election to the Student Government Advising, Training and Operations Bureau.

**705.2.5** The official ballot shall state the name of the Student Government Officer of the official in question followed by, in no more than 200 words, the reasons for demanding recall of the Officer as set forth in the recall petition.

**705.2.6** The official ballot shall also include a rebuttal from the Officer being recalled. This rebuttal shall not be longer than 200 words.

**705.2.7** The reasons for the recall and the rebuttal from the officer being recalled shall be made public and accessible to all students prior to the Recall Election.

**705.2.8** A majority of the Electorate voting in favor of the removal shall lead to the removal of the Officer.

**705.2.9** The Student Government Advising, Training and Operations Bureau shall be responsible for certification of the election within 24 hours of the close of the election.

### **705.3 Student Referendum~~Initiative and Referendum~~**

**705.3.1** Any student enrolled at the University of South Florida, Tampa Campus, can call for an ~~Initiative and Student~~ Referendum in accordance with the Student Body Constitution.

~~Upon announcement of an Interim Election, the officers of the Election Rules Commission will meet with the Student Government Advising and Training Office to draft a plan for the specifics of the election.~~

**705.3.2** Should a student acquire the necessary signatures to get the Student Referendum~~Initiative~~ on the ballot then a Referendum Election shall be held.

**705.3.3** A Referendum Election may be called at any time during an academic semester and will be handled by the Student Government Advising, Training and Operations Bureau if the Supervisor of Elections has not yet taken office, ~~with the assistance of the Election Rules Commission in similar fashion as an Interim Election.~~

**705.3.4** The official ballot shall state verbatim the Initiative Student Referendum ~~as which was~~ submitted by the student and approved by the Electorate.

**705.3.5** The official ballot shall also include a statement explaining the reason for bringing forth the Student Referendum~~Initiative~~.

~~**705.3.5**~~**705.3.6** The deadline for the Student Referendum to be submitted shall be ten business days prior to the election in which it will be voted on.

~~**705.3.6**~~**705.3.7** The Initiative as well as the reason for bringing forth the Initiative shall be made public and accessible to all students at least five business days prior to the Referendum Election.

~~A majority of the Electorate voting in favor of the Referendum Election shall lead to the Initiative becoming law. The President does not have the authority to veto an Initiative which has been approved by the Electorate.~~

~~**705.3.7**~~**705.3.8** In the absence of the Supervisor of Elections, ~~t~~The Student Government Advising, Training and Operations Bureau shall be responsible for certification of the election within 24 hours of the close of the election.

### **705.4 Student Government Referendum~~Executive Referendum~~<sup>1</sup>**

**705.4.1** Any Officer of Student Government~~The President~~ may initiate a Referendum during any academic semester.

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<sup>1</sup> SB [S] 51-013 (Spring) amends the procedure

**705.4.2** The ~~Student Government~~ Executive Referendum must be given to the Senate President 48 hours in advance of the Senate meeting at which it is to be presented.

**705.4.3** The ~~Student Government~~ Executive Referendum ~~may~~ must pass by a super majority vote of the Senate and be signed by the President in order to be placed on the ballot.

## **705.5 Constitutional Amendments**

**705.5.1** Any student may propose a Constitutional Amendment. The Amendment must be approved by a supermajority of Senate before being placed on the ballot.

~~705.5.1~~ **705.5.2** A Constitutional Amendment may be proposed to the Student Body in any Mid-Term ~~or~~ and General Election held within the fall and spring academic semesters.

~~705.5.2~~ **705.5.3** Constitutional Amendments shall be published, with an explanation of what is being proposed, at least five business days ~~one week~~ prior to being voted on by the Electorate.

~~705.5.3~~ **705.5.4** The official ballot shall state the proposed change and/or addition to the Student Body Constitution to be voted on by the Electorate.

~~The online voting software shall allow any student the option to vote on the Constitutional Amendment.~~

~~705.5.4~~ **705.5.5** ~~A majority of the Electorate voting in favor of the amendment shall lead to its' adoption.~~ If a majority of the Electorate who voted in the election votes in favor of the Amendment, then the Amendment shall be adopted.

## **705.6 Selection of Last Resort**

**705.6.1** If the processes aforementioned in Title VII cannot select an official and sworn President and Student Body Vice President within ten business days of the Spring Commencement, then the Student Senate of the previous term shall select from the certified pool of Campaign Tickets, a joint Presidential and Vice-Presidential ticket to be the President and Vice-President.

**705.6.2** The Selection of Last Resort shall occur, even if there is pending litigation or dispute.

**705.6.3** If the President and Student Body Vice-President have been selected by Selection of Last Resort, then they shall be subject to a Student Body vote of confidence in the next Mid-Term Election.

**705.6.4** Should the President and Student Body Vice-President be removed by a vote of confidence ( $2/3$ rd + 1 of the ~~electoral~~ electorate vote "no-confidence"), then the Order of Succession shall determine the new officers and a Special Election shall take place four weeks after the Mid-Term

Election and shall be governed similar to the General Election, except that dates mentioned in the General Election statute shall be modified to reflect the Special Elections date and time.

## **Expedited Elections**

**705.6.5** Only the Supervisor of Elections and the SG Supreme Court can call for Expedited Election.

**705.6.6** Upon announcement of an Expedited Election, the officers of the Election Rules Commission will meet to draft a plan for the specifics of the election.

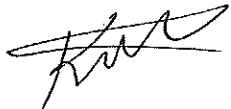
**705.6.7** All paperwork submitted by candidates to the Election Rules Commission shall remain in effect.

**705.6.8** An Expedited Election may call for a Presidential/Vice-Presidential race, a Senatorial race, or both.

**705.6.9** Officers of the Election Rules Commission may be subject to impeachment for decisions made during an Expedited Election.

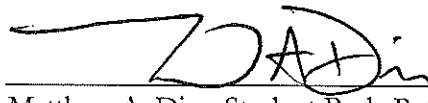
**705.6.10** No part of an Expedited Election may be held during Spring Break, Winter Break, or any University Holiday.

**705.6.11** An Expedited Election must be completed by the last day of spring classes.



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12-12-11P12:12 RCVD

SB [S] 52-018

An Act to Clarify and Update Title VII

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