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## Senate Statutes - Title VII (Election Code) - Updated 08-20-13

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**Title**  
**7**  
**Election Code<sup>1</sup>**

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<sup>1</sup> Entire Title added by SB [S] 51-006

## 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 Statutes. These terms shall be considered binding in all legal actions brought forth during an election.
- 700.2** **Assistant Deputy**<sup>2</sup>- A voluntary position appointed to assist the Supervisor of Elections.
- 700.3** **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.
- 700.4** **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.
- 700.5** **Bribe**- A prize, reward, gift or favor given or promised with 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.
- 700.6** **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.
- 700.7** **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.
- 700.8** **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.
- 700.9** **Campaign Materials**- Any physical or electronic materials which promote a candidate or impugn another candidate.
- 700.10** **Campaign Staff**- Any person who is working or volunteering on behalf of a campaign ticket in any capacity.
- 700.11** **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.

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<sup>2</sup> SB [S] 54-005 Adds this definition.

- 700.12 Campaign Ticket-** A joint Presidential and Vice-Presidential ticket that has been certified by the Election Rules Commission to campaign.
- 700.13 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.
- 700.13.1 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.
- 700.13.2 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.
- 700.14 Candidate-** A person who has been certified by the Election Rules Commission as eligible to run for an elected Student Government office.
- 700.15 Certification-** The process by which tentative election results are made official.
- 700.16 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.
- 700.17 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.
- 700.18 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.
- 700.19 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, an Associate Supervisor of Elections, two Deputy Supervisors of Elections, and Assistant Deputies.<sup>3</sup> 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.

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<sup>3</sup> SB [S] 54-005 Modifies this definition.

- 700.20 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.
- 700.21 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.
- 700.22 Fair Market Value**- The price a person or entity would charge any other student for a good or service.
- 700.23 Figurehead**- Any paid representative of the University or any entity trademarked by the University.<sup>4</sup>
- 700.24 General Election**- The annual spring semester election during which the President and Vice President, as well as the new term of Senators, are elected.
- 700.25 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.
- 700.26 Grievance**- Any complaint brought forth via the grievance form.<sup>5</sup>
- 700.27 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, and shall follow the same guidelines as the Midterm elections.<sup>6</sup>
- 700.28 Majority**- A vote of 50% +1 of the total electorate who voted in the election; applicable to university-wide Student Government elections only.
- 700.29 Members of the Election Rules Commission** - Includes all employees, paid or non-paid, who comprise the Elections Rules Commission.
- 700.30 Mobile Polling Station**- The use of any portable device by any person for the purposes of voting in any election.<sup>7</sup>
- 700.31 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.

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<sup>4</sup> SB [S] 53-008 adds this definition

<sup>5</sup> SB [S] 52-017 adds this definition

<sup>6</sup> SB [S] 53-008 makes changes to this definition

<sup>7</sup> SB [S] 54-005 Modifies this definition.

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

**700.33 Official Polling Station**- A device or outlet of voting that is directly designated in writing and staffed<sup>8</sup> by the Election Rules Commission on voting days for the General Election and the Run-Off Election, if necessary.

**700.34 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.

**700.35 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.

**700.36 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.

**700.37 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.

**700.38 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 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 Statute of Limitations**- A statute setting a time limit on legal action in certain cases.

**700.41 Student Government Referendum**- An action which allows any Student Government Officer, 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.

**700.42 Student Referendum**- An action which allows any USF student, by petition, to bring forth a question or issue to be voted on by the electorate.

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<sup>8</sup> SB [S] 54-005 Modifies this definition.

- 700.43 Total Campaign Value**- The sum of all campaign expenditures and campaign contributions as reported by a candidate in the Campaign Budget Statement.
- 700.44 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.
- 700.45 Unrestricted Area**- Any physical location that is free for any individual to campaign on behalf of any Campaign Ticket.
- 700.46 Violation**- an assessment given by the Election Rules Commission for a breach of any Student Government governing document.<sup>9</sup>

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<sup>9</sup> SB [S] 52-017 adds this definition

## 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, the Associate Supervisor of Elections, and two Deputy Supervisors of Elections.<sup>10</sup>
- 701.1.2** The Supervisor of Elections, Associate Supervisor of Elections, and Deputy Supervisors of 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** The Associate Supervisor of Elections and Deputy Supervisors of Elections shall be nominated by the Supervisor of Elections from a pool of applicants and the nominees shall go before the Senate for confirmation.
- 701.1.4.1** Only the Supervisor of Elections shall have the ability to appoint Assistant Deputies.<sup>11</sup>
- 701.1.5** 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.
- 701.1.6** Should the Supervisor of Elections be unable to perform their duties the order of succession for the Election Rules Commission shall be:
- 701.1.6.1** Associate Supervisor of Elections
  - 701.1.6.2** Deputy Supervisors of Elections (Seniority, by confirmation)
- 701.1.7** 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

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<sup>10</sup> SB [S] 54-005 Amends positions throughout Chapter 701.

<sup>11</sup> SB [S] 54-005 Adds this sub-clause.

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.

- 701.1.8** The Election Rules Commission shall adopt a Rules of Procedure which shall not conflict with any Student Government governing document.
- 701.1.9** 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.
- 701.1.10** The President may remove any Election Rules Commission member(s) with the advice and consent of the Senate by a Supermajority vote.
- 701.1.11** 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** Report and investigate any breach of any Student Government governing document by a candidate, ticket, or member of campaign staff.<sup>12</sup>
- 701.2.4** Assess violations.
- 701.2.5** Propose changes to the Election Rules Commission Rules of Procedure.
- 701.2.6** Vote on proposed changes to the Election Rules Commission Rules of Procedure.
- 701.2.7** Propose changes to Title 7 of the SG Statutes to the Senate.
- 701.2.8** Create and change forms for candidacy, as necessary.
- 701.2.9** 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.

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<sup>12</sup> SB [S] 52-017 adds clauses 701.2.3 and 701.2.4

- 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** May terminate any employed deputy two weeks after Spring Break or any time after that.

#### **701.4 Duties of the Associate Supervisor of Elections<sup>13</sup>**

- 701.4.1** Assist the Supervisor of Elections in managing and coordinating the day-to-day activities of the Election Rules Commission
- 701.4.2** Assist the Supervisor of Elections in any manner possible that would ensure the proper execution of the role of the Election Rules Commission.
- 701.4.3** Ensure candidates comply with the governing documents.
- 701.4.4** Accept grievances filed by students against Candidates.
- 701.4.5** Vote on the assessment of violations to a candidate.
- 701.4.6** Testify in cases brought to the Supreme Court.
- 701.4.7** Temporarily assume any Election Rules Commission position in the event that the person cannot fulfill their duties.
- 701.4.8** Act on behalf of the Supervisor of Elections when the Supervisor is not present.
  - 701.4.8.1** May not certify elections.
  - 701.4.8.2** May not hire any person to the Election Rules Commission.
  - 701.4.8.3** May not fire any person from the Election Rules Commission.
- 701.4.9** May not set deadlines for candidates not outlined in governing documents

#### **701.5 Duties of the Deputy Supervisors of Elections**

- 701.5.1** Ensure candidates comply with the governing documents.
- 701.5.2** Accept grievances filed by students against Candidates.
- 701.5.3** Vote on the assessment of violations to a candidate.
- 701.5.4** Testify in cases brought to the Supreme Court.
- 701.5.5** Assist the Supervisor of Elections in any manner possible that would ensure the proper execution of the role of the ERC.<sup>14</sup>

#### **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.

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<sup>13</sup> SB [S] 54-005 Adds 701.4 and subsequent sub-clauses.

<sup>14</sup> SB [S] 54-005 Adds this clause.

- 701.6.3** The Election Rules Commission shall set up and operate a minimum of one (1) official polling station on campus during regular business hours (9 AM – 5 PM) on voting days for the General Election, Midterm Elections, and Run-Off Elections.<sup>15</sup>
- 701.6.3.1** The Student Government Computer Services Center shall be an exception to the minimum number of required official polling stations.<sup>16</sup>
- 701.6.3.2** In the event that at least two officers of the Election Rules Commission have not yet taken office, one (1) official polling station shall not be required.
- 701.6.3.3** In the event of unforeseen circumstances, which hinder the commission from operating polling stations safely, the Election Rules Commission can operate a minimum of one (1) official polling station until it is deemed safe to resume normal operations.
- 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 and 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** Campaigns may not use University and Student Government logos or trademarks. Campaigns may not, also, use university figureheads or administrators as official endorsement. Official endorsement shall be at the discretion of the Election Rules Commission and in its Rules of Procedure.<sup>17</sup>

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<sup>15</sup> SB [S] 54-005 modifies this clause.

<sup>16</sup> SB [S] 54-005 repositions this clause.

<sup>17</sup> SB [S] 53-008 amends this clause

**701.6.9.1** Specific exceptions shall be outlined by the ERC in its ROPs of the aforementioned figureheads and administrators.

**701.6.10** All campaign materials must have the candidate's name on said material.<sup>18</sup>

**701.6.11** All required campaign documents must be submitted to the ERC no later than two (2) business days of the amendment being made, and/or no later than the close of the respective poll cycle.

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<sup>18</sup> SB [S] 54-005 Adds 701.6.10 and 701.6.11

## 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.<sup>19</sup>

**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

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

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

**702.1.4.1** Candidates shall run in the college they are currently registered in according to the Office of the Registrar.<sup>20</sup>

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

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

##### 702.2 Election Timeline

**702.2.1** The application period shall begin the first day of the Spring semester and shall end at 5 PM on the last day of the business week, six weeks prior to Spring Break.

**702.2.2** 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 Elections Rules Commission who will certify the candidate to run in the election. If a candidate is

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<sup>19</sup> SB [S] 52-015 Amends this clause

<sup>20</sup> SB [S] 52-018 Amends this clause

found to be ineligible to run for office they will be notified of the reason for their ineligibility by a member of SGATO.

**702.2.3** Official Campaigning shall begin four weeks prior to the start of Spring Break, and shall end with the close of polls on the final day of voting.

**702.2.4** Elections shall be held two weeks prior to the start of Spring Break and shall last for four consecutive business days, Monday through Thursday of the applicable week.

**702.2.5** If needed, a Run-off election shall be held during the week prior to the start of Spring Break.

### **702.3 Expenditures**

**702.3.1** 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.<sup>21</sup>

**702.3.2** 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.

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

### **702.4 Campaigning**

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

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

**702.4.2** Presidential/Vice-Presidential Candidates may select a student to act as their Campaign Manager. If a Campaign Manager is chosen then he/she 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.

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

**702.4.2.1.1** If a Campaign Manager and/or Campaign Staff are established, then a Campaign Staff List must be reported by the start of official campaigning.<sup>22</sup>

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

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

### **702.5 Campaigning Code of Ethics**

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<sup>21</sup> SB [S] 53-004 amends this clause

<sup>22</sup> SB [S] 54-005 adds this sub-clause.

- 702.5.1 No candidate or member of a campaign shall threaten or commit any violence to any member of a campaign ticket.
- 702.5.2 No candidate or member of a campaign shall commit or attempt to commit extortion or blackmail.
- 702.5.3 No candidate or member of a campaign shall knowingly provide false information before the Election Rules Commission or Supreme Court.
- 702.5.4 No candidate or member of a campaign shall withhold any financial records when reporting a budget or changes to the budget.
- 702.5.5 No candidate or member of a campaign shall commit or attempt to commit a bribe.
- 702.5.6 No candidate or member of a campaign shall commit slander or libel.
- 702.5.7 No candidate or member of a campaign shall commit destruction or theft of any campaign material.
- 702.5.8 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.
- 702.5.9 No candidate or member of a campaign shall condone or authorize the destruction or theft of any campaign material.
- 702.5.10 No candidate or member of a campaign shall cast or attempt to cast more than one vote or tamper with the election software.
- 702.5.11 No candidate or member of a campaign shall condone or authorize the casting of more than one vote or tampering with the election software.
- 702.5.12 No candidate or member of a campaign shall condone, authorize, or sponsor mobile polling stations.
- 702.5.13 No candidate or member of a campaign shall distribute campaign materials by sliding material under doors of residence halls.
- 702.5.14 No candidate or member of a campaign shall distribute campaign materials by placing them on vehicles parked on-campus.

## **702.6 General Election Ballot**

- 702.6.1 There shall be no write-in candidates.
- 702.6.2 Candidates shall not run for more than one position during the General Election.
- 702.6.3 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.

702.6.3.1 Violations assessed shall remain in effect for the new ticket.

- 702.6.4 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.
- 702.6.5 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.
- 702.6.6 The order of the candidates' names on the ballot shall be determined by a randomized selection process as determined by the voting software.

## **702.7 Major and Minor Violations**

- 702.7.1** Should the actions of any Campaign Ticket, Campaign Staff or Candidate violate Student Government Statutes or Election Rules Commission Rules of Procedure, the respective Campaign Ticket or 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 Candidate.
- 702.7.2** The Election Rules Commission does not have jurisdiction beyond Student Government Statutes and Election Rules Commission Rules of Procedure.
- 702.7.2.1** Violations of University Policy and Student Code of Conduct shall be determined by the office of Student Rights and Responsibilities.
- 702.7.2.2** Violations of municipal, state and federal law shall be determined by the judiciary of the respective government.
- 702.7.3** The Election Rules Commission will accept grievances against Candidates, Campaign Tickets, or their staff throughout the weeks of campaigning for the General Election. Grievances may be filed by students, faculty, or staff for a breach of any Student Government governing document.
- 702.7.3.1** The person filing the grievance must provide sufficient evidence of the breach in order for the Election Rules Commission to adopt the grievance.<sup>23</sup>
- 702.7.3.2** Grievance procedures shall be further outlined in the Election Rules Commission Rules of Procedure.
- 702.7.3.3** The Supervisor of Elections has the discretion to dismiss any grievance with proper justification.
- 702.7.4** The Election Rules Commission may independently investigate a breach of any Student Government governing document without a grievance being filed.<sup>24</sup>
- 702.7.4.1** Investigative procedures shall be further outlined in the Election Rules Commission Rules of Procedure.
- 702.7.5** The Election Rules Commission may assess violations to Campaign Tickets or a Candidate for technical violations such as late paperwork, etc. These violations will be handled by the Election Rules Commission and grievances will not be accepted accusing a candidate of these offenses.
- 702.7.6** The Election Rules Commission may assess violations to Campaign Tickets or a 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.
- 702.7.7** A Campaign Ticket shall be disqualified should the Campaign Ticket accumulate a major violation or three minor violations.
- 702.7.8** No grievances may be filed with the Election Rules Commission after the certification of the results of the General Election.

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<sup>23</sup> SB [S] 52-017 adds this clause and 702.7.3.3

<sup>24</sup> SB [S] 52-017 adds this clause and the subsequent clause

## **702.8 Run-Off Elections**

- 702.8.1** 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.
- 702.8.2** Run-Off Elections shall occur the following Tuesday and Wednesday after the official announcement and certification of the election results.
- 702.8.3** 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.
- 702.8.4** 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.
- 702.8.5** Violations assessed to candidates in the General Election shall remain in effect until the certification of the results of the Run-Off Election.<sup>25</sup>
- 702.8.6** No grievances shall be filed once the Election Rules Commission has certified the Run-Off election results.

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<sup>25</sup> SB [S] 53-008 amends this clause

## Chapter

### 703

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

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

**703.1.1** 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.

**703.1.1.1** The Election Rules Commission shall certify the results of the Mid-Term Election at 5:00 PM on the Friday following the close of the polling stations.<sup>26</sup>

**703.1.2** 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

**703.2.4** For Mid-Term elections, Senate Candidates shall be required to attend an official Candidate 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 Candidate Packet.

**703.2.5** 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.

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<sup>26</sup> SB [S] 54-005 Adds this sub-clause

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

**703.2.7** 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 the Office of the Registrar.<sup>27</sup>

**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.

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<sup>27</sup> SB [S] 52-018 Amends this clause

## **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.<sup>28</sup>
- 704.1.4 All rulings by the Supreme Court in elections cases shall be made within two (2) business days after the close of the hearing. The Supreme Court will issue the necessary opinions for the case within three (3) business days of the ruling.

##### 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 to each candidate in accordance with the governing documents.
  - 704.2.2.4 The Supreme Court must provide justification for their decision within two (2) business days of making the decision. Decisions must be made public.<sup>29</sup>
- 704.2.3 Appeals of violation assessment shall follow the Supreme Court trial procedures 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 or vice-versa.

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<sup>28</sup> SB [S] 52-018 amends this clause

<sup>29</sup> SB [S] 53-008 adds this clause

## 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 supermajority 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 No part of an Interim Election may be held during Spring Break, Winter Break, or any University Holiday.
- 705.1.7 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 a 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 Office 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 one (1) business day of the close of the election.

### **705.3 Student Referendum**

- 705.3.1** Any student enrolled at the University of South Florida, Tampa Campus, can call for a Student Referendum in accordance with the Student Body Constitution.<sup>30</sup>
- 705.3.2** Should a student acquire the necessary signatures to get the Student Referendum 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.
- 705.3.4** The official ballot shall state verbatim the Student Referendum as 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.
- 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.
- 705.3.7** 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.
- 705.3.8** In the absence of the Supervisor of Elections, 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<sup>31</sup>**

- 705.4.1** Any Officer of Student Government may initiate a Referendum during any academic semester.
- 705.4.2** The Student Government 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 Referendum must pass by a simple majority vote of the Senate and be signed by the President in order to be placed on the ballot.

### **705.5 Constitutional Amendments<sup>32</sup>**

- 705.5.1** Any student may propose a Constitutional Amendment. The Amendment must be approved by a supermajority vote of Senate before being placed on the ballot.
- 705.5.2** A Constitutional Amendment may be proposed to the Student Body in any Mid-Term or General Election held within the Fall and Spring academic semesters.
- 705.5.3** Constitutional Amendments shall be published, with an explanation of what is being proposed, at least five business days prior to being voted on by the Electorate.
- 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.
- 705.5.5** If a majority of the Electorate who voted in the election votes in favor of the Amendment, then the Amendment shall be adopted.

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<sup>30</sup> SB [S] 52-018 Amends this clause and each subsequent clause

<sup>31</sup> SB [S] 52-018 Amends this section

<sup>32</sup> SB [S] 52-018 Amends this section

## **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 (2/3rds +1 of the electoral 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.

## **705.7 Expedited Elections**

- 705.7.1** Only the Supervisor of Elections and the Student Government Supreme Court can call for Expedited Election.
- 705.7.2** 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.
- 705.7.3** All paperwork submitted by candidates to the Election Rules Commission shall remain in effect.
- 705.7.4** An Expedited Election may call for a Presidential/Vice-Presidential race, a Senatorial race, or both.
- 705.7.5** Officers of the Election Rules Commission may be subject to impeachment for decisions made during an Expedited Election.
- 705.7.6** No part of an Expedited Election may be held during Spring Break, Winter Break, or any University Holiday.
- 705.7.7** An Expedited Election must be completed by the last day of Spring classes.