

Spring 2-6-2015

ERC ROPs 2014-2015

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Cocco, Jean, "ERC ROPs 2014-2015" (2015). *Executive Branch Publications*. 423.
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-Rules of Procedure-
Elections Rules Commission



UNIVERSITY OF SOUTH FLORIDA
STUDENT GOVERNMENT

1. Elections Rules Commission

1.1. Authority and Jurisdiction

- 1.1.1. The Rules of Procedure, herein after referred to as ROPs, of the Elections Rules Commission, herein after referred to as the ERC, shall not conflict with the Student Government governing documents, policies, or procedures.
- 1.1.2. The Rules of Procedure of the Elections Rules Commission shall not conflict with the Student Government Statutes. It may, however, further define any section of statutes that deals with the operation of the Elections Rules Commission.
- 1.1.3. The Authority of this document shall be vested within the governing documents of Student Government and with the consent of (a) the Senate Committee on Rules and (b) the Senate Committee on Judiciary and Ethics.
- 1.1.4. This document shall revert to Chapter 700 of SG Statutes for all definitions and terms.

1.2. Role of the ERC

- 1.2.1. The ERC is an unbiased official functioning group of Student Government created to oversee the execution and logistics of all Student Government elections. This commission is comprised of a Supervisor of Elections, Associate Supervisor(s) of Elections, Deputy Supervisor(s) of Elections, and Assistant Deputies.

- 1.2.1.1. Only the Supervisor of Elections, the Associate Supervisor of Elections, and the Deputy Supervisors of Elections are eligible for remuneration.

1.2.2. Role of the Supervisor of Elections

- 1.2.2.1. Manage and oversee the daily operations of the Election Rules Commission.
 - 1.2.2.2. Ensure all Election Rules Commission positions are filled throughout the election.
 - 1.2.2.3. Inform candidates and tickets of the election rules and regulations through a Candidates Meeting and via official USF email.
 - 1.2.2.4. Certify candidates and tickets and approve their signed paperwork with their signature and timestamp.
 - 1.2.2.5. Distribute all necessary information to candidates and tickets in the election via official USF email or hardcopy.
 - 1.2.2.5.1. Including, but not limited to, allowed/prohibited campaigning areas around polling stations and the Marshall Student Center.
 - 1.2.2.6. Provide written notification to inform candidates and tickets of any minor violations they have been alleged to have committed and the date, time, and

place of the location of the violation hearing with at least two (2) business days' notice.

- 1.2.2.7. Inform all Senate candidates of the number of seats per college, as well as the number of candidates per college.
- 1.2.2.8. Vote on any issue in the event of a tie during an Election Rules Commission meeting.
- 1.2.2.9. Announce locations and operating hours of all official polling stations at least five business days in advance of any election.
- 1.2.2.10. Send the Official Polling locations to the Oracle via emails at least seven (7) business days prior to the first day of any election.
- 1.2.2.11. Have the Official Polling locations posted to the Student Government website at least five (5) business days prior to the first day of any election.
- 1.2.2.12. Announce cancellation of an official polling station at least twenty four (24) hours in advance of the applicable voting day.
- 1.2.2.13. Announce the cancellation of an election due to the university closing or problems with the voting system.
- 1.2.2.14. Announce and make public the results of the General Election and Run-Off Election.
- 1.2.2.15. Certify the results of the election.
- 1.2.2.16. Sit on a Senate created Ad-Hoc Committee, following the General Election, to suggest ways to improve the election process.
- 1.2.2.17. Attend all Election Rules Commission sponsored events including the Election Rules Commission debates and the annual Presidential Inauguration Ceremony.
- 1.2.2.18. May terminate any employed deputy two weeks after Spring Break or any time after that with the consent of the Student Body President.
- 1.2.2.19. Appoint Assistant Deputies.

1.2.3. Role of Associate Supervisor of Elections

- 1.2.3.1. Assist the Supervisor of Elections in managing and coordinating the day-to-day
- 1.2.3.2. activities of the Election Rules Commission
- 1.2.3.3. Assist the Supervisor of Elections in any manner possible that would ensure the proper execution of the role of the Election Rules Commission.
- 1.2.3.4. Ensure candidates and tickets comply with the governing documents.
- 1.2.3.5. Testify in cases brought to the Supreme Court.
- 1.2.3.6. Temporarily assume any Election Rules Commission position in the event that the person cannot fulfill their duties.
- 1.2.3.7. Act on behalf of the Supervisor of Elections when the Supervisor is not present.
 - 1.2.3.7.1. May not certify elections.
 - 1.2.3.7.2. May not hire any person to the Election Rules Commission.
- 1.2.3.8. May not set deadlines for candidates and tickets not outlined in governing documents.

1.2.4. Role of Deputy Supervisors of Elections

- 1.2.4.1. Ensure candidates and tickets comply with the governing documents.
- 1.2.4.2. Testify in cases brought to the Supreme Court.

- 1.2.4.3. Assist the Supervisor of Elections in any manner possible that would ensure the proper execution of the role of the ERC.

1.2.5. **Role of Assistant Deputies**

- 1.2.5.1. Assist ERC officers in any manner possible that would ensure the proper execution of the role of the ERC.

2. Candidacy Procedures

- 2.1. To apply for candidacy, candidates must submit the following required forms in order to be put on the ballot:
 - 2.1.1. The official application packet
 - 2.1.2. Declaration of Intent
 - 2.1.3. Buckley Waiver
- 2.2. Applicants will be required to attend at least one (1) Candidate Meeting. A schedule of the meeting dates and times will be made available by the Elections Rules Commission in the elections packet.
- 2.3. Applicants shall not appear on the ballot unless all required paperwork has been received by the Elections Rules Commission and they have been certified to meet all candidacy requirements.
- 2.4. All aforementioned documents must be submitted to the ERC by the specified deadline as outlined by the ERC.
- 2.5. The ERC shall approve or deny campaign materials within two (2) business days of submission by candidates and/or tickets.
 - 2.5.1. If denied, the ERC shall provide a written reason why a candidate and/or ticket's campaign materials was denied and the remedy.
- 2.6. Candidates may request changes to submitted documents by submitting a Change Request Form to the Elections Rules Commission.
- 2.7. Candidates may withdraw from the election by submitting a Withdrawal form to the Elections Rules Commission, at no penalty to them. Candidates that withdraw from the election may not reapply after the application period has ended.
- 2.8. Any additional candidacy procedures are outlined in Title VII.

3. Campaigning

- 3.1. Official Campaigning shall begin two (2) weeks prior to the first voting day and will end at the conclusion of the final day of voting.
 - 3.1.1. Students may not campaign prior to the onset of Official Campaigning; however, they may solicit the assistance of campaign staff and organizers.
- 3.2. The Elections Rules Commission shall make public a list of all official polling locations at least forty-eight (48) hours prior to the onset of official campaigning.
- 3.3. Students may not campaign within 50 yards (150 feet) in any direction of an official polling location
 - 3.3.1. Campaign chalking is prohibited within 30 yards (90 feet) in any direction of an Official Polling location. Campaign chalking shall also be limited or prohibited in certain areas in accordance with University Policies and the specific policies of individual colleges and buildings
- 3.4. Use of Student Government property (i.e. Computers, golf carts, office equipment, office supplies, etc.) is prohibited.
 - 3.4.1. Except for the use of SGCS computers and student daily free printing.
- 3.5. Campaigning within the confines of the Student Government Suite, Agency, or Bureau is prohibited.
- 3.6. Campaigns may not use University and Student Government logos or trademarks.
- 3.7. Campaigns may not use university administrators, USF Spirit Squad, current NCAA Division I athletes, Student Government employees or members, or any current non-student University employee as official endorsement. Official endorsement shall be at the discretion of the Election Rules Commission and shall be outlined in these ROPs
- 3.8. All signage requests shall be directed to the Center for Student Involvement (CSI). The rules and regulations adopted by CSI, Physical Plant, and any other University entity shall govern all campaign signage.
- 3.9. All campaign materials must be approved by the ERC two (2) business days before usage. This includes but is not limited to: television, newspaper, magazine, periodical, direct mail, e-mail, display, leaflet, public figure, or radio.
 - 3.9.1. If the ERC does not approve the materials within two (2) business days, the material will be automatically approved.

4. Campaign Budget Statements

- 4.1. Each candidate shall submit an initial Campaign Budget Statement prior to the onset of campaigning, even if the candidate has not made any expenditures. This statement shall include all campaign contributions and any encumbered expenditures with all receipts attached.
- 4.2. Candidates shall be required to submit amended expense forms to the Election Rules Commission when making purchases during the weeks of campaigning, amending their campaign budgets, or upon receiving additional campaign contributions within two (2) business days of the purchase, amendments, or contribution.
- 4.3. Within five (5) business days of the submission of the most up to date budget statement, the Elections Rules Commission shall provide the appropriate individual(s) responsible for updating the SG website with a copy of the most up to date budget statements to be posted to the SG website.

5. Violation Assessment

- 5.1. Violations shall be assessed in congruence with Title VII of SG Statutes and ERC Rules of Procedure. The jurisdiction of the Elections Rules Commission, for the purpose of issuing violations in elections, shall not exceed the violation of the SG constitution, SG statutes, and ERC ROP's. Violations of municipal, state, and federal law shall be determined by the judiciary of the respective government.
- 5.2. 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 Supreme Court may assess major violations to the respective Campaign Ticket or Candidate.
- 5.3. The Election Rules Commission may accept grievances and investigate for major violations against candidates and tickets throughout the weeks of campaigning for the Elections and they shall be turned over to the Supreme Court.
- 5.4. The Elections Rules Commission may assess minor violations in accordance with statutes and ERC ROP's. The accumulation of a total of seven (7) minor violations will result in the disqualification of the candidate.
- 5.5. Any student, staff, or faculty may submit a grievance outlining any violations regarding Title VII and these ROP's.
 - 5.5.1. The person filing the grievance must provide sufficient evidence of the breach in order for the Election Rules Commission to report the grievance.
 - 5.5.2. The Election Rules Commission grievance form shall be filed with the following required information:
 - 5.5.3. The names of the accused candidate or ticket. Only one candidate or ticket can be included in each grievance.

- 5.5.4. The filer's name and contact information
 - 5.5.5. A description of the alleged violation(s)
 - 5.5.6. Persons filing grievances against a Candidate must submit all required information and supporting evidence with the grievance. Once a grievance is filed no new evidence may be added. Grievances that fail to include the required information shall be deemed null and void by the ERC. Grievances filed without any evidence will be dismissed without consideration or review.
 - 5.5.7. Violations may be assessed for technical and procedural violations of Title VII and ROP's only by the Elections Rules Commission.
- 5.6. If the Elections Rules Commission accepts a grievance filed by a student, staff or faculty, the Elections Rules Commission will notify the Candidate of their potential violation within two (2) business days.
- 5.6.1. The notification shall include a copy of the grievance filed including all supporting evidence.
 - 5.6.2. After the notification is sent to the candidate in question, the candidate will have, at minimum, one (1) business day, hours to prepare a written or oral statement refuting the alleged charges with any applicable evidence.
 - 5.6.2.1. The Supervisor of Elections may schedule the grievance meeting any time after the one (1) business day to hear arguments.
 - 5.6.3. The person who filed the grievance will be given five (5) minutes to present their statement to the Elections Rules Commission.
 - 5.6.4. Candidates or a member of the Campaign ticket will be given 5 minutes to present their statement to the Elections Rules Commission.
 - 5.6.5. Failure to refute any alleged charges will not impede the Elections Rules Commission from assessing the violation(s).
 - 5.6.6. The Elections Rules Commission will discuss the statements from both parties, review evidence, and vote on whether or not to assess a minor violation to the Candidate.
 - 5.6.7. An official decision on violation assessment by the Elections Rules Commission shall be made public no later than two (2) business days from the adjournment of the meeting.
- 5.7. In the event that the Elections Rules Commission suspects a violation may have occurred they shall follow the investigation procedure as follows:
- 5.7.1. The candidate or campaign ticket who is believed to have committed a violation shall be notified within two (2) business days.

5.7.2. The Elections Rules Commission will meet to discuss the evidence and hear testimony in regards to the issue.

5.7.2.1. Those called forth to testify before the Commission will be notified via email at least one (1) business day prior to the investigation meeting.

5.7.2.2. Should the individual be unable to attend the meeting, a written statement of their testimony may be submitted to the Commission.

5.7.2.3. Should the individual in question fail to respond in any way the Commission will carry on with their investigation.

5.7.3. The Commission will then discuss its findings and deliberate on the outcome of the investigation and whether or not a minor violation shall be assessed.

5.7.4. The outcome of the investigation shall be made public no later than two (2) business days after a decision has been reached by the Commission.

5.8. No grievances may be filed with the Elections Rules Commission after the official certification of the results of this election and/or the run-off election.

5.9. The following shall outline the major and minor violations applicable in this election. The Elections Rules Commission reserves the right to assess minor violations.

5.9.1. Major violations include:

5.9.1.1. Any threat or act of violence against any member of a campaign ticket

5.9.1.2. Any attempt to commit extortion or blackmail

5.9.1.3. Slander or libel against another candidate or campaign

5.9.1.4. Knowingly providing false information to SGATO, the Elections Rules Commission, or Supreme Court

5.9.1.5. Withholding any financial records or changes to the campaign budget

5.9.1.6. Any attempt to commit a bribe

5.9.1.7. Destruction or theft of another campaign's materials and/or condoning others to do so. (including posted signs, chalking, etc.)

5.9.1.8. Attempting to cast more than one vote or tamper with voting software

5.9.1.9. Attempting to set up/utilize mobile polling stations

5.9.1.10. Abusing the official capacity of their position (if an employee of the University) for their own personal campaign or campaign ticket.

5.9.2. Minor violations include:

5.9.2.1. Using A&S funded materials to further their campaign (with the exception of anything printed via the free printing locations listed on the USF Information Technology website)

5.9.2.2. Using A&S funds from any USF print shop for campaign materials.

5.9.2.3. Sliding material under doors of residence halls

5.9.2.4. Posting signs in unauthorized locations (Marshall Center may impose fines/disciplinary measures of their own)

- 5.9.2.5. Chalking in unauthorized locations (Marshall Center may impose fines/disciplinary measures of their own.
- 5.9.2.6. Chalking within 30 yards (90 feet) of an official polling location during election days
- 5.9.2.7. Active Campaigning within 50 yards (150 feet) of an official polling location
- 5.9.2.8. Active campaigning in any Student Government Agency or Bureau
- 5.9.2.9. Early Campaigning
- 5.9.2.10. Using University administrators, USF Spirit Squad, current NCAA Division I athletes , Student Government employees or members, or any current non-student University employee as official endorsement on campaign materials
- 5.9.2.11. Using Student Government resources (golf carts, copier, etc.)
- 5.9.2.12. Any violations that are not specifically outlined can be left up to the Elections Rules Commission to be considered a minor violation.
- 5.9.2.13. Placing campaign materials on vehicles parked on-campus

5.10. Minor Violation Fine Assessment:

- 5.10.1. The Election Rules Commission shall consult with the ASBO at least ten (10) business days before the start of an election cycle to confirm the appropriate account is available for fines to be deposited in.
- 5.10.2. The Election Rules Commission shall issue a written warning for the first minor violation of a candidate, ticket, or any group certified to take part in a USF Student Government Election.
- 5.10.3. For each minor violation after the first violation and written warning, a nominal fine of \$50 will be levied against a Presidential and Vice Presidential ticket certified to take part in a USF Student Government election. The ERC must issue a written notification that included the amount of the fine and the violation.
- 5.10.4. For each minor violation after the first violation and written warning, a nominal of \$20 will be levied against a Senate candidate or referendum campaign certified to take part in a USF Student Government election. The ERC must issue a written notification that includes the amount of the fine and violation.
- 5.10.5. After a ticket, candidate, or referendum campaign has incurred seven (7) minor violations, they shall be disqualified from the current USF Student Government election.
- 5.10.6. All minor violations must be paid within ten (10) business days of being issued a written notification. If fines are not paid within ten (10) business days, the candidate, ticket, or referendum campaign shall be disqualified from the current and any subsequent USF Student Government elections and a hold will be placed on the financially accountable student's OASIS account by the ASBO office.
- 5.10.7. If unpaid fines remain at the end of a USF Student Government election, the financially accountable student for a ticket, candidate, or referendum campaign may request a one-time ten (10) business day extension for payment via a written request to the ASBO office.
- 5.10.8. If unpaid fines remain after the one time ten (10) business day extension, a hold will be placed on the financially accountable student's OASIS account and their respective ticket, candidate, or referendum campaign will be disqualified.

- 5.10.9. Monies for fines shall be submitted to the ASBO office by either check or money order and the funds shall be used to defray the cost of future elections.
- 5.10.10. The Election Rules Commission may assess minor violations to Campaign Tickets or a Candidate. These violations will be handled by the Election Rules Commission and grievances will not be accepted accusing a candidate or ticket of these offenses.
- 5.11. A Campaign Ticket shall be disqualified should the Campaign Ticket accumulate a major violation or seven (7) minor violations.
- 5.12. If a losing candidate fails to pay any outstanding fines, they shall be placed on a probationary list and not permitted to run in any future elections until the fines are paid in full.

6. Elections Rules Commission Meeting Procedures

- 6.1. The Supervisor of Elections shall determine the time, day, place, of Elections Rules Commission meetings and provide an agenda at least twenty-four (24) hours in advance of meetings.
- 6.2. The Supervisor of Elections must provide public notice for all meetings twenty-four (24) hours in advance of the scheduled meeting.
- 6.3. In order for any official decision to be rendered, quorum shall be 50% +1 of voting members.
- 6.4. Voting rights shall be exclusive to the paid employees of the Elections Rules Commission
- 6.5. Speaking rights shall be exclusive to members of the Elections Rules Commission.
- 6.5.1. A guest speaker may address the Election Rules Commission during their appointed times as set in the agenda or during open forum.
- 6.5.2. A non-member of the Elections Rules Commission may address the Commission at the discretion of the Supervisor of Elections.

Meetings shall be conducted in the accordance with Robert's Rules of Order.

7. Midterm Election Timeline

- 7.1. The Midterm Election shall take place the Tuesday and Wednesday the second full week of October. The purpose of a Mid-Term election is to fill vacant Senate seats, propose any Constitutional Amendments, and vote on any referenda..
- 7.2. If a Run-off Election shall occur the following Tuesday and Wednesday after the official announcement and certification of the election results.

8. Referendum Procedures

- 8.1. Any student has the right to call for a University-Wide initiative/referendum election provided that a petition signed by at least 20% of the number of students that voted in the most recent general election is submitted as outlined by statutes.
- 8.2. Before a Student Body referendum is accepted by the ERC, a student sponsor must sign an Official Declaration of Intent to sponsor a Student Body Referendum.
- 8.3. Upon receipt of a referendum, the Supervisor of Elections shall forward it to the Judicial Branch within one (1) business day.

9. Amendments

- 9.1. Amendments to this document may be presented by the Elections Rules Commission and shall require the joint approval of the Senate Committee on Rules and the Senate Committee on Judiciary and Ethics.
- 9.2. Unless these ROPs are amended or new ROPs are submitted these ROPs shall remain in effect.

10. Additional Documents

- 10.1. Additional documents may be created or adopted by the Election Rules Commission with the consent of the Committee on Judiciary and Ethics and the Committee on Rules, but shall not conflict with the SG governing documents.