Election Rules & Regulations

Spring 2015: April 6, 7, 8, 9

APPROVED- March 4, 2015

1. OFFICES TO BE ELECTED
   1. Executive Board
      1. The Executive Board shall consist of one President, one Vice-President, and one Treasurer.
      2. The Executive Board shall be elected in the spring to serve a one-year term beginning June 1st, 2015.

2. PETITIONS
   1. In order to be considered as a candidate for office, a graduate student must secure 25 signatures from other graduate students.
      1. No more than eight (8) signatures on one petition can come from students enrolled in the same department.
      2. Students enrolled in more than one department must choose a department to represent.
   2. Candidates are responsible for ensuring that signatures belong to current graduate students who are represented by the GSA.
      1. Duplicate signatures will be declared invalid. The Election Committee (EC) will run a random check to verify students’ signatures provided on petitions.
      2. A student may sign only one (1) petition per Executive Board office.
   3. Petitions, along with candidate statements and proposed budgets, must be submitted to the Election Committee Chair (ECC) or the Election Committee’s designee (ECD) in the GSA Office, 310 Student Union, on or before the stated deadline, Monday, March 2nd, 2015, by 4:30 PM.
      1. The EC may extend candidate deadlines if no one has submitted a petition to compete for an office.
   4. All prospective candidates must attend a mandatory meeting with members of the EC where the Election Rules and Regulations will be handed out and reviewed. Meetings will be arranged between prospective candidates and the EC to occur between Thursday, March 5th and Thursday, March 12th.
   5. Submission of a petition sheet, attendance at a mandatory meeting, and attendance at two GSA Senate meetings entitles the candidate to have their name placed on the ballot, providing the petition is determined to be valid by the ECC or ECD.
      1. Each candidate must have signed in at two senate meetings within the past twelve months prior to becoming a candidate.
      2. You will officially be considered a candidate once you have attended the mandatory meeting with the EC and signed off on the Election Rules and Regulations.

3. CANDIDATES
   1. Any candidate running for a GSA office must be a current graduate student, whose GSA
mandatory student fee has been paid for or waived and is in good academic standing as
declared by the EC with a GPA of at least 3.0.
1. Enrollment, fee status, and GPA will be verified by the EC.
2. Good academic standing as well as satisfactory and timely progress toward a degree are
   necessary, but not the only requirements, to 1) be a candidate for elected office, 2) accept an
   appointed office, or 3) serve throughout one’s elected or appointed term.
3. For departments which do not have a GPA grading system, a letter from the department
   chair must be included stating that the candidate is in good academic standing in the
   department.
2. It is the responsibility of each candidate to know the Election Rules and Regulations.
   Ignorance of the rules will not be accepted as an excuse. Candidates will be provided with a
   copy of the Election Rules and Regulations. Upon reading and agreeing to the Election
   Rules and Regulations, candidates will sign a written statement acknowledging compliance
   with this election code.
4. BALLOTS
   1. The EC will proceed at all times in consideration of ballot security and voter turnout so as to
      prevent even the suspicion of election fraud or contest.
   2. Voting will occur via electronic ballot. This ballot will allow the choice of one candidate for
      each Executive Board office by voters, with the option to abstain from voting for any office.
   3. The electronic ballot will consist of a table with each candidate’s name printed clearly in a
      readable font beneath the office for which they are running, and its layout will be verified
      by the GSA Senate on Wednesday, April 1st, 2015.
   4. The order of the names on the ballot will be chosen at random. Candidates may only have
      their name on the ballot. The use of slogans or other advertisement on the ballot is
      forbidden.
1. The order of candidates to be listed on the ballot will be chosen at random.
2. The selection of the order of candidates will occur at a mutually agreed upon time and
   date, with the selection process open for public viewing, during the week of March 23rd,
   2015, and administered by the EC. Candidates are especially welcome to observe.
3. Photographs of the candidates and statements will be included on the GSA website, with
   a link to the electronic balloting system, but not on the ballot itself.
5. The electronic balloting system will be hosted and administered by the Information
   Technology department of the Office of the Vice President for Student Affairs (VPSA).
6. In order to access the electronic ballot, voters must sign in with their UBIT name and
   password, which will be authorized via a list created by the Office of Student Affairs.
7. No voters may log into the electronic ballot page prior to the opening of polls.
5. VOTING PROCEDURES
   1. Every graduate student represented by the GSA whose name is on the voter list generated
      by the Office of Student Affairs is entitled to vote. In order to exercise that vote, all students
      must login using their UBIT name and password.
1. If a graduate student wishes to vote and their login is not recognized, the student shall
   contact the GSA liaison in Student Life to verify their status. Once Student Life has
   verified the student’s status, the student will be added to the database and allowed to
   login and vote. Students who experience difficulty with login should contact Student
   Life as soon as possible to resolve the issue via the contact information available on the
   voting website.
2. Students whose names cannot be verified are ineligible to vote using absentee ballots.
   See Section 6 for further rules on absentee ballots.
2. No student may vote more than once for each Executive Board office.
3. Polling will open at 12:00 AM on Monday, April 6th and remain open continuously until 11:59 PM on Thursday, April 9th.
   1. A link to the electronic ballot page will be made available beginning Friday, April 3rd on the GSA website.
   2. A link to the electronic ballot page will be posted to GSA social media during the polling week.
   3. The GSA will send out two (2) email reminders to GSA listservs, one on the morning of Monday, April 6th, and a final reminder to vote the morning of Thursday, April 9th.
4. VPSA IT will monitor site traffic and activity for security purposes.
   1. The EC will be notified immediately of a detected security breach or other anomaly.

6. ABSENTEE BALLOTS
   1. The GSA website and the GSA listserv(s) will announce the possibility of absentee ballots for students within the United States and its territories.
   2. If you require an absentee ballot you must make a request to the ECC on, or before, Monday, March 23rd, 2015.
   3. Candidates may only have their names printed on the ballot. The use of slogans or other advertisement on the ballot is forbidden.
   4. A printed ballot of the official candidates will be mailed by Wednesday, April 1st, 2015, with a self-addressed, stamped envelope.
   5. All returned absentee ballots must be postmarked by Thursday, April 9th, 2015. Any ballots postmarked after Thursday, April 9th, 2015, will be destroyed sealed.
   6. Students whose names do not appear on the voter list are not eligible to vote using absentee ballots.

7. TABULATIONS
   1. If any mechanisms are determined by the VPSA IT and EC to have been tampered with, votes after the time of the breach may be declared invalid with advice of legal counsel for the University or GSA.
   2. The electronic ballot software will tabulate votes automatically. Final results will be downloaded and screen-captured Friday, April 10th, 2015 after 12:00 PM, in the presence of a majority of EC members and VPSA IT, as well as any additional representatives from other University offices or bodies such as may be deemed necessary or appropriate to be present by the EC, the ECC, or ECD with the advice of legal counsel.
   3. In the event of proven fraud or tampering with votes, it is within the powers of the EC to re-run the election using means such as it is deemed appropriate and as approved by the Senate.
   4. The winner of each position shall be the candidate who received the most votes. In the event of a tie, the GSA Senators will meet at a scheduled time and place with each receiving one vote to determine the winner.
   5. After tabulation, all election-related materials shall be kept for seven (7) days for public inspection until Friday, April 17th, 2015. After 8:00 AM that morning, all paper materials will be destroyed and electronic materials deleted from hard drives and web servers and databases.
   6. If the number of absentee ballots is insufficient to effect a change in the outcome of the election, then the official results will be released, via e-mail, by the ECC or ECD on Friday, April 10th, 2015. Absentee ballots will be destroyed sealed and unopened. Otherwise, all absentee ballots will be opened and counted and the results of the election will be announced via e-mail.
   7. Absentee ballots left blank or indicating multiple votes for any single office shall not be counted in any tabulation.
8. CAMPAIGN EXPENDITURES
   1. Candidates may spend a maximum of $20.00 on their campaigns. All funds must be spent according to Sub Board I and GSA Budgetary Guidelines. Only these funds may be spent on the campaigns; no donations may be accepted or utilized.
      1. Candidates running unopposed will not be allotted a budget.
   2. Candidates must submit a proposed budget with their petition by Monday, March 2\textsuperscript{nd}, 2015, at 4:30 PM for prior approval before they may spend GSA campaign money, as specified in Section 2.3.
   3. Any campaign expenses must be paid by the candidate and reimbursed by GSA according to the GSA Budgetary Guidelines. An itemized budget with all original receipts and proof of payment must be submitted and approved by the EC, ECC, or ECD by Monday, April 20\textsuperscript{th}, 2015, by 4:30 PM.
      1. All candidates, except for those running unopposed, must turn in any and all financial records as requested by the EC at any time prior to, during, and after the election. Requests for the records will be made in writing.
      2. All expenditure reports must list the names, addresses, phone numbers, receipts, and a detailed description of campaign expenditures.
   4. Failure to abide by these requirements may be grounds for immediate dismissal from the election. In the event of a dismissal, the GSA will not reimburse the candidate.
   5. Reimbursement will not be provided for transportation and/or gas.
9. CAMPAIGNING
   1. The beginning and end of campaigning is at the discretion of individual candidates.
   2. Parties are not allowed. Affiliation with other candidates is not allowed at any time before or during the campaign and election process.
   3. Candidates should send copy materials to the ECC for printing in the GSA office.
   4. The content of campaign materials does not need to be approved by the EC.
   5. Candidates must remove all campaigning materials from all locations by 6:00 PM Friday, April 17\textsuperscript{th}, 2015. Failure to comply with this will result in penalties as listed under Section 13.6.
   6. Any and all forms of campaigning are permitted so long as all Student Conduct rules; University Standards and Administrative Regulations; Student Union policies, procedures, rules, and regulations; Computer and Network Policies; and New York State Penal Law are abided by. Candidates are responsible for observing all of the above listed policies, procedures, rules, and regulations. Copies of UB policies are available either at the Office of Legal Affairs, online, or in the GSA office. (See Section 13)
   7. There will be no campaigning allowed within 50 feet of any public computing site, such as the Lockwood Cybrary.
   8. No loudspeaker or otherwise amplified campaigning can be used by any candidate or their representative within 300 feet of computing sites.
   9. The Candidate Debate will be held on Wednesday, April 1\textsuperscript{st}, 2015, to coincide with the scheduled GSA Senate meeting, where a member of the EC, or the ECD will moderate it.
      1. The use of personal attacks and solicitation are prohibited.
      2. Debates relating to the election will allow fair and equal representation to each candidate. Candidates are courteous to one another and to the moderator. The debates will be attended by EC members and moderated by a member of the EC.
      3. All candidates will be allowed equivalent time and/or space in all EC sponsored advertisements and events.
   10. Candidates will be allowed to post a statement of 500 words or less of their own design on the GSA website. One URL to a personal website may be included with a candidate’s
statement on the GSA website.
1. Candidates are allowed free use of Myspace, Facebook, Twitter, and any other social networking websites, so long as they do not include pornography, obscenities, or allusions to illicit activities.
2. Candidates may not link directly to the electronic polling website, but may direct voting traffic to the GSA website.
3. Campaign materials on the internet are also subject to penalties for violations as listed in Section 13.
11. The EC will send electronic messages to the GSA graduate student population in order to announce a call for candidates, platforms, the GSA website address, and election dates. Each candidate may submit one short line, fifteen (15) words, for transmittal in those messages, and may include one URL. The EC will also send reminders during polling days to GSA listservs.
12. Every candidate will be responsible for any and all uses of their name by campaign workers and/or agents. Inappropriate election behavior will result in violations that will be dealt with on a case-by-case basis.
   1. Major violations as defined in Section 13 of these rules may result in immediate dismissal of candidate(s) at the discretion of the EC.
   2. Minor infractions as defined in Section 13 of these rules will result in penalties.
13. There should be substantial proof of an alleged breach of election rules in order for the EC to hear a complaint.
14. EC members shall monitor campaigning practices. The EC members shall make decisions as a group and not individually.
   1. All listserv campaigning must include a CC: to the members of the EC. Failure to do so may result in penalties as established in Section 13.
10. POWER OF THE ELECTION COMMITTEE
   1. The EC will be empowered by the Senate to make and enforce additional rules or regulations as they become necessary in order to ensure a fair and impartial election.
   2. The EC has the final decision as to the interpretation of the Election Rules and Regulations and their applicability to specific or special situations that may arise during the official election period.
   3. In the event of a tie vote on a decision, the ECC shall be granted an extra vote to break the tie.
   4. Failure to abide by New York State Penal Law, UB Rules and Regulations, or the Election Rules and Regulations shall result in a suitable penalty to be decided upon by the EC.
   5. The EC has the power to schedule a hearing for an alleged violation by a party or candidate witnessed by the EC without a written complaint, but must contact the designated spokesperson of that group concerning the violation and hearing details at least 24 hours prior to the scheduled hearing.
   6. Upon determining that violation(s) of New York State Penal Law, UB Rules and Regulations, or the Election Rules and Regulations has occurred, the EC has the power to impose the following punitive measures:
      1. removal of candidates from the election;
      2. reduction of the current or future campaign spending limit;
      3. denial of reimbursement of campaign funds;
      4. public censure; and/or
      5. public acknowledgment and apology.
   7. The EC may refer violations of the Election Rules and Regulations to the full GSA Senate, the Student-Wide Judiciary (SWJ), and/or the University Police.
11. COMPLAINTS
   1. A complaint made against a candidate or against the EC must be a written allegation of a
      violation of these Rules stating the candidate involved and all specifics relating to the
      alleged violation.
      1. All complaints against the EC must be reported to the GSA Senate.
      2. Complaints must be filed within 24 hours after the discovery of the infraction. At the
         latest, complaints must be filed within 24 hours of the close of polling. Complaints must
         be presented to the EC or the ECC. The EC shall render a decision on all complaints
         within 24 hours following a hearing. When possible, a hearing will be held within 72
         hours of any complaint.
   2. In any election dispute regarding alleged violations of these rules, the candidate accused is
      presumed to be innocent until proven guilty.
   3. All alleged violations will be judged by the EC and can be appealed to the GSA Senate.
      Only after a hearing in the Senate may complaints be appealed to the SWJ.
   4. Those persons lodging complaints will be responsible for producing evidence and witnesses
      pertaining to the illegal violations.
   5. The accused will receive a copy of the complaint at least 24 hours before the hearing and
      have the opportunity to defend themselves against the allegations at the hearing. The 24
      hours may be waived by the individual involved with written consent.

12. EC HEARINGS
   1. In the event a hearing is scheduled, the format will be as follows:
      1. the complainant will submit evidence for no longer than fifteen (15) minutes;
      2. the respondent will follow with their case for no longer than fifteen (15) minutes;
      3. the complainant will have five (5) minutes for a closing statement;
      4. the respondent will follow with five (5) minutes for their closing statement;
      5. the EC may then question parties for no longer than fifteen (15) minutes in total.
      6. These times will be strictly adhered to and only extended by a vote of the EC.
   2. An individual candidate may present their case or may name a spokesperson. The name of
      the spokesperson must be presented to the ECC no later than 24 hours after a hearing is
      granted.
   3. If witnesses are used, they will be included in the fifteen (15) minute evidence section only.
   4. Any discourteous conduct or interruption of others will be severely penalized, including, but
      not limited to, expulsion from the hearing.
   5. A simple majority of the EC must be present at any hearing. Decisions will be rendered by a
      majority vote of the EC members present.
   6. The ECC or ECD will supervise all hearings and meetings of the EC in connection with the
      election. It is the responsibility of the ECC or ECD to enforce these Rules at hearings, and
      the ECC or ECD will have the necessary authority to take appropriate measures in order to
      secure them, including dismissing complaints or expelling individuals from hearings.

13. VIOLATIONS OF NEW YORK STATE PENAL LAW, UB RULES AND REGULATIONS,
    AND ELECTION RULES AND REGULATIONS
   1. Minor infractions will result in one or a combination of the punitive measures listed in
      Section 10.6 (barring dismissal, unless persistent minor violations occur) and possible
      referral to the GSA Senate. Minor infractions are not subject to hearings.
   2. Minor infractions include, but are not limited to: exceeding the campaign expenditure limit
      by $20.00 or less; late expenditure reports; removing or hanging over any other flyers;
      posting campaign materials on restroom mirrors, glass, or other prohibited surfaces.
   3. Major violations will result in serious punitive measures including dismissal from elections
      and possible referral to the GSA Senate, the SWJ, and/or University Police.
4. Major violations include, but are not limited to: defamation (i.e., libel, slander); misinformation; obscenity against another candidate; bribery; gratuity; physical or verbal threat or action; harassment; falsifying or hiding campaign expenditures; exceeding the campaign expenditure limit by more than $20.00; persistent minor violations; defacement of property or posters.

5. Failure to secure prior approval for any campaign expenditure renders candidates liable to immediate dismissal subject to the EC’s discretion.

6. Penalties for other violations will be determined, as the EC deems appropriate. The penalties will reflect the severity of the infraction and/or candidate’s disregard for New York State Penal Law, UB Rules and Regulations, and/or the Election Rules and Regulations.

14. ADOPTION
   1. These rules will be considered to be in force after approval by the Senate on Wednesday, February 4th, 2015.

15. DISSOLUTION
   1. The preceding Rules will remain in force following the polling days and lasting until the announcement of the elected officers and after the resolution of any complaints.
   2. The EC will disband seven (7) days after the election results have been finalized and the official report is sent to all graduate students.