

# UNIVERSITY COUNCIL STUDENT REPRESENTATIVE

## ELECTION RULES AND REGULATIONS

### I. The Council of Student Governments Election Committee:

#### A. Membership:

1. The membership of the committee is limited to one non-candidate representative from the following Student governments: Undergraduate Student Association, Graduate Student Association, Student Bar Association, Graduate Management Association, Dental Student Association, School of Pharmacy Student Association, and Medical School Polity. The committee member may be the President. It is highly recommended that this appointment be submitted in writing to the Chair of the Council of Student Governments by February 1 of the given year. Even if this date is not met, the election may be deemed valid if the election is in conformity with the Rules and regulations established for the U.C. election.
  - a. Should a student government fail to appoint their representation on the Election Committee, this will in no way invalidate the integrity of the Committee, and/or the election process.
  - b. Any Election Committee appointee may be removed from the committee by a two-thirds vote of the elections committee and only for just cause.
  - c. The president of a government may submit a detailed, written document requesting his/her appointee be removed from the Elections Committee. The appointee can only be removed with by a 2/3 vote from The Elections Committee.
  - d. If an elections Committee member is removed or resigns the President of the government he/or she represents may appoint a new member to the committee. No requests for appointee removal will be considered by the Elections Committee once University Council Candidate Petitions are made available.
2. The University Council Election Committee shall elect at their first meeting with a majority vote a Chair for the University Council Election Committee from within its membership.
3. See addendum in the instance Student Life is charged with the running of an election.

#### B. Responsibilities:

1. The Committee shall be responsible for the management of the election of the University Council Student Representative.
2. The election shall be conducted in accordance with the rules and regulations here outlined. If, at any time, any of these rules can be constructed to conflict with a student government constitution, the University Council elections committee shall meet as soon as practical to amend the rule or rules in question so as to meet all constitutional guidelines.
3. The University Council Election Committee shall act to mediate and resolve all allegations of violations of these rules.
4. The University Council Election Committee should develop a University Council Student Representative Elections calendar within two weeks after the initial formation of the committee, that shall include:
  - a. The date of petition availability to all candidates

- b. The date candidates petitions are due
- c. The date of petition certification
- d. The date of the mandatory candidates meeting to review these Elections Rules and Regulations
- e. The dates campaigning will be allowed
- f. The dates, locations and times elections are to be held
- g. The dates financial reports are due
- h. The final appeal date, to be no more than **2** days after the close of polls.

**C. Powers:**

- 1. In the event that a complaint is lodged based on an alleged violation of these rules and regulations, the committee is responsible for determining if the violation did occur and if it did (decided by a simple majority vote), the severity of the violation and the appropriate punitive action. These punitive actions shall include, but not be limited to: community service or removal from the election.
- 2. The committee may request, at any time prior to the election, the full financial records of any candidate's campaign.
- 3. Upon becoming aware of any alleged violations, the committee shall investigate the allegation to determine its validity, and may then take appropriate action.

**D. Complaints against the Council of Student Governments Election Committee:**

- 1. All allegations must include factual basis to support their claim.
- 2. The University Council Student Governments shall act on all complaints against the Election Committee. All of the provisions of these Rules and Regulations governing the Election Committee apply to
- 3. Complaints against the Election Committee shall be submitted as soon as possible, no more than 24 hours after the close of polls.
- 4. The University Council Elections Committee may not invalidate an election process based upon a complaint. The University Council Elections Committee, by majority vote may remove any Election Committee member as a remedy to a complaint.
- 5. The University Council Elections Committee may not entertain a request to invalidate an election. In the case of a contest request based upon misconduct by the Election Committee, the independent arbitrator renders final judgment. The independent arbitrator is the Student Wide Judiciary (SWJ).
- 6. All complaints must be submitted to the Chair of the Elections Committee. The Chair of the Elections Committee shall inform the University Council Elections Committee of the complaint within 24 hours.

**E. Complaints, Candidate to Candidate:**

1. A complaint by one party against another party must be a typewritten allegation of a violation of sections II (candidacy) or III (elections) of these Rules and Regulations stating the candidate(s) involved and all details of the alleged violations. Complaints must be filed with the Council of Student Governments Election Committee Chair within 24 hours of the close of polls. Any complaints received after the close of polls shall be discarded.
2. The candidate lodging a complaint shall be responsible for proving the complaint to the satisfaction of the Council of Student Governments Election Committee. Candidates may present evidence and/or witnesses in defense to the alleged violations. A hearing of the involved parties is to be held no more than 15 days after the complaint is filed. Failure by the Election Committee to hold said hearing calls for the complaint to be remanded to the appropriate arbitration forum.
3. The accused candidate must be given a copy of the complaint at least 5 hours prior to the hearing and shall have the opportunity to present evidence in defense of the allegations at the hearing. If all parties involved in a hearing consent, the 5-hour time restriction may be waived.
4. The Elections Committee may not invalidate an election process upon a complaint.

**F. Contest:**

A candidate may contest the validity of the election process in lieu of specific complaints.

When used in this division, "challenger" means any person initiating an election contest. "Defendant" means that person whose election or nomination is contested or those persons receiving an equal and highest number of votes, other than the challenger, where, in other than primary elections, the body canvassing the returns declares that no one person has received the highest number of votes for the contested office.

1. The challenger may contest any election held therein, for any of the following causes:
  - a. That the person who has been declared elected to an office was not, at the time of the election, eligible to that office.
  - b. That the Election Committee, or any member thereof was guilty of misconduct and/or that the defendant has given to any member of a the Election Committee any bribe or reward, or has offered any bribe or reward for the purpose of procuring his election, or has committed any other offense against these Rules and Regulations.
    - i. No irregularity or improper conduct in the proceedings of the Election Committee members, or any of them, is misconduct that voids an election, unless the irregularity or improper conduct is such as to procure the defendant to be declared either elected or one of those receiving an equal and highest number of votes where no one person has received the highest number of votes.
  - c. That illegal votes were cast.
    - i. The election shall not be set aside on account of illegal votes, unless it appears that a number of illegal votes has been given to the person whose right to the office is contested or who has been certified as having tied for first place, which, if taken from him, would reduce the number of his legal votes below the number of votes given to some other person for the same office.

- d. That the Election Committee in conducting the election or in canvassing the returns, made errors sufficient to change the result of the election as to any person who has been declared elected.
  - e. That there was an error in the vote-counting programs or summation of ballot counts.
2. When an candidate contests any election he or she shall file with the Chair of the Election Committee a written statement setting forth specifically:
    - a. The name of the contestant and that he or she is an elector of the district or county, as the case may be, in which the contested election was held.
    - b. The name of the defendant.
    - c. The office.
    - d. The particular grounds of contest and the section of this code under which the statement is filed.
    - e. The date of declaration of the result of the election by the body canvassing the returns thereof.

Failure to include any of the requirements of this section renders the contest null and void.

3. The Election Committee shall hold a hearing in conformity with section G of this section of the Rules and Regulations.
4. The determination of the Election Committee of a contest shall be appealable to the appropriate independent arbitrator.
5. If the judgment of the Election Committee vacates the election, the subsequent election shall be governed by the "Special Elections" requirements of these Rules and Regulations.

**G. Hearings:**

1. In any hearing regarding violations of these Election Rules and Regulations, the accused candidate must be found responsible to the satisfaction of the University Council Elections Committee . If this burden of proof is not met, then the candidate must be found not responsible for the alleged violations.
2. Presiding over any hearing regarding violations shall be the Chair of the University Council Elections Committee. All other members of the Election Committee are expected to be present in said hearing. At least three members of the Election Committee must be present to constitute a valid hearing.
  - a. An odd number of University Council Elections Committee members greater than 1 shall decide the outcome of a hearing by 2/3 vote. The University Council Elections Committee Chair shall be required to preside over all hearings, and shall only vote in the case that there is an even number of committee members in attendance.
3. The format of a hearing shall be as follows:
  - a. The complainant/contesting party or candidate may present evidence and/or witnesses for no longer than 15 minutes.
  - b. The defending party or candidate may present evidence and/or witnesses for no longer than 15 minutes.

- c. The University Council Elections Committee may ask questions of either or both sides for no longer than 10 minutes per candidate involved.
- d. The defending party may present a closing statement of no longer than 5 minutes.
- e. The complainant party may present a closing statement of no longer than 5 minutes.
4. The University Council Elections Committee shall render a decision in writing within 24 hours of the completion of the hearing. Copies must be made available to all candidates involved in the hearing and to the public.
5. All hearings before the University Council Elections Committee shall be closed hearings. Only the parties directly involved in the hearing may be present, unless all candidates involved agree upon it being open.
6. Disrespectful or discourteous conduct, including interrupting others, will be severely remedied with consequences that may include but not be limited to expulsion from the hearing.
7. The decision of the University Council Elections Committee is final with regard to complaints. The challenger may not appeal any decision related to a specific complaint.

## **H Appeals:**

A candidate may not appeal the Election Committee's decisions on specific complaints to the approved independent arbitration panel. A candidate may only appeal the Election Committee's decisions regarding the validity of a contest decision.

1. An appeal shall be initiated only by a written request of appeal of one or more of the unsuccessful candidates.
2. The appeal statement shall contain:
  - i. objections to the eligibility of the contestant based on specific allegations,
  - ii. objections to the conduct or results of the election accompanied by specific allegations which, if proven true, would have impacted the outcome of the election, or
  - iii. both
6. Within five days after the end of the time allowed for filing statements of contest, the Chair of the Election Committee shall notify the appropriate independent arbitration panel of all statements filed.
7. The independent arbitration panel shall meet at the time and place designated, to determine the contested election, and shall have all the powers necessary to the determination thereof.
8. The person declared elected by the independent arbitration panel is entitled to a certificate of election. If a certificate has not already been issued to him or her, the Elections Committee shall immediately make out and deliver to that person a certificate of election signed by him or her.
9. If the Elections Committee has issued any certificate for the same office to any other person than the one declared elected by the independent arbitration panel, or if the panel finds a tie vote in a general election contest brought under this division, the certificate is annulled by the judgment.

10. The determination of the independent arbitration panel is final.
11. If the judgment of the independent arbitration panel vacates the disputed election, the subsequent election shall be governed by the “Special Elections” requirements of these Rules and Regulations.

**I. Special Elections:**

Vacancy in the office of University Council Representative, whether occurring due to invalidation of an election, or for any reason an officer-elect does not take office or occurring after an officer begins his term shall be filled by special election.

1. The Council of Governments, within fifteen days of the vacancy, shall create an Election Committee or may reconfirm a previously created Election Committee by majority vote.
2. The Council of Governments shall, within fifteen days of the vacancy, shall appoint an interim University Council Representative by two-thirds majority vote. Any student eligible for the position of University Council Representative may be the interim appointee. This appointee may seek election for the position of University Council Representative.
3. No Special Election to fill a vacancy shall be ordered or held if the annual election is scheduled within sixty days of the end of the term of the office to be filled.
4. The Elections Committee may take any measures as provided in these rules and regulations with the exception of time periods and time constraints detailed in these rules and regulations.

**II. Candidacy:**

**A. Qualifications:**

1. A student running for University Council Student Representative must be a registered student in good academic standing (as defined by the University Faculty Senate) at the University at Buffalo. The Council of Student Governments Election Committee Chair shall verify this information.
2. The student must also meet the requirements as set forth in the by-laws of the school in which they belong. Including any additional academic requirements as part of any governing document for the student’s school.
3. The student must also be in good disciplinary standing (through the office of Judicial Affairs) at the University at Buffalo.

**B. Nominating Petitions:**

1. In order to be considered a candidate for office, a student must secure the signatures of 300 other University at Buffalo students. Petitions will be available at SA, GSA, GMA government offices, the Office of Student Life, and on-line. In the event that a petition is not available in any student government office or on-line, a written complaint must be filed with the University Council Elections Committee Chair prior to when the petitions are due.
  - a. A student may sign more than one nomination petition for University Council student Representative. The student must print their full name as recorded with the University, sign their name, indicate their school of enrollment, and their UB person number. The Council of Student Governments Election Committee Chair is responsible for checking the validity of these signatures.

- b. Candidates are responsible for the validity of signatures and UB person numbers on their nominating petitions. In the event of duplicate signatures on an individual petition, all similar signatures shall be considered invalid.
2. In addition to the required signatures, a candidate must submit his/her name as she/he wishes it to appear on the ballot, person number, local address, local phone number and school of enrollment.
3. Petitions must be submitted to the student government office of the school containing the Chair of the Council of Student Governments Election Committee by the designated date as stated in the Election Committee Election Calendar.
4. All petitions will be certified by the Council of Student Governments Election Committee Chair by the designated date as stated in the Election Committee election Calendar.
  - a. The University Office of Records and Registration will provide the official list to certify petitions. The list will include the name of all students at the University at Buffalo.

**C. Parties:**

1. All individuals running for University Council Student Representative must run as independent candidates, however candidates may affiliate with candidates in other elections
2. Endorsements:
  1. An endorsement shall be defined as any statement of support for any candidate by a club or organization recognized by a student government and/or the university.
  2. No student government may endorse a candidate for the University Student Representative position.

**D. Campaign Expenditures:**

1. Each candidate may spend a maximum of \$300.00 on his/her campaign. This amount shall include the value of all campaign items contributed from any source, other than as determined an endorsement as defined above.
2. All contributed campaign materials and expenditures shall be assessed a comparable worth to be deducted from the campaign spending limit. Comparable worth is the normal value of an item or professional service purchased on the open market. Campaign materials and expenditures consist of all of those items or professional services used by a candidate in an election effort.
3. Professional work is a service that would normally require payment to the individual or business by others seeking a similar service.
4. Non-professional human resources shall not have a value assessed them: i.e. poster hangers, workers to layout and compose poster, banners, or flyers, for example. Contributed or reduced price professional work done by candidate supporters, friends, relatives, or any other on posters, flyers, or any other campaign materials and expenditures shall fall under the rules of comparable worth.
5. It is the responsibility of the candidates to find the comparable worth of all items contributed or purchased at the reduced price. The value found must be well documented as to who or where the value was obtained from, the addresses of said person or business, a phone number a detailed description of the item or service in questions, and the normal market value of the item or service.

Quotes from two businesses, listed in the yellow pages or some other public directory, performing the services in question, must be included. All items assessed a comparable worth will be checked by the Council of Student Governments Election Committee.

6. The candidate must purchase any and all advertisements in any publication that normally requires payment. Costs for such advertisement will be computed against a candidate's campaign expenditures.
7. Each candidate must submit a financial report, including receipts and examples of all campaign expenditures (including all the comparable worth assessments and documentation as outlined above), to the Council of Student Governments Election Committee Chair:
  - a. The first and/or final reports must be submitted in accordance to the University Council Student Representative Elections Calendar.
  - b. The Council of Student Governments Election Committee reserves the right to request financial reports and receipts throughout the election period.

**E. Campaigning:**

1. Campaigning is any action contributing to the election of a candidate.
2. Campaigning may commence only upon the completion of the mandatory candidates informational meeting in accordance with the Election Committee election Calendar.
3. All certified candidates must be provided equal access to any/all election forums.
  - a. *A Forum is any meeting in which campaigning will take place.*
4. Candidates must adhere to all established university guidelines regarding postings, as well as the guidelines of individual buildings and/or areas.
  - a. No Candidate shall place more than one banner in any single University building. A banner is defined as any poster or sign larger than six (6) square feet in total area.
  - b. No Candidate shall place campaign materials in the Residence Halls at any time.
5. All candidates are responsible for removing all flyers, banners and other posted materials from all University buildings and facilities at the end of the election. Failure to remove all materials may result in assessing the cost of the removal to the candidate.
6. All Candidate must follow University Rules and Regulations and Policies and Procedures while campaigning
7. No candidate may:
  - a. Convey false information pertaining to the election, other candidates, or themselves in anyway, shape or form
  - b. Use monetary or physical coercion or threat of the same against other candidates, potential voters, or any other members of the community.
  - c. Attempt or act to destroy, deface, remove, or cover another candidate's campaign material.
  - d. Violate any University rule or regulation which would in any way effect the election.
  - e. Campaign within the area designated as the polling place.



- f. Tamper with the ballot box or any election materials.
  - g. Campaign outside the times designated by the Council of Student Governments Election Committee.
  - h. Campaign in the Residence Halls at any time.
8. The University Council Elections Committee reserves the right to review and investigate campaign practices, and may take appropriate actions if improprieties are discovered.

**F. Community Service Hours**

- 1. If a party or candidate is found responsible for a violation, the University Council Elections Committee refer the candidate to the Student Wide Judiciary for review and sanctioning.

**III. Elections:**

**A. Dates:**

- 1. The election for the University Council Representative shall take place each Spring no earlier than March 1<sup>st</sup> and no later than May 31<sup>st</sup> each year, and must be held on the same day(s) and at the same time for all student governments.

**B. Voting:**

- 1. Voting shall be done by paper ballot, ballot machine or through a secure on-line website.
  - a. The method of voting shall be determined each year by the Council of Student Governments Election Committee.
  - b. All student governments must use the same method of polling in a given year.
- 2. No student shall vote more than once for the office of University Council Representative.
- 3. Only those holding a valid and proper UB ID card shall be allowed to vote for the University Council Representative.

**C. Polling Place:**

- 1. The polling place shall be in the location determined by each student government with the approval of the Elections Committee of the Council of Student Governments.
- 2. If not an online election, the polling place shall be defined as an area extending at least fifty (50) feet in every direction around the ballot box. When the polling place is located in a public area (corridors, lobbies, etc.), this area shall be clearly marked.
- 3. If the election is taking place online, any computer shall be considered a polling place when it is running the online voting application. Any UB Cybrary will be considered a polling place.
- 4. No campaigning shall be allowed in the polling place. UB security camera footage, including Cybraries, may be consulted if a complaint is filed or if deemed necessary by the UC election committee.

**D. Ballots:**

1. Placement of the candidates names on the ballot shall be determined by random drawing by the Council of Student Governments Election Committee. All student governments shall follow the same order during their elections.
  - a. The ballot form shall list the names of the candidates and indicate the school from which the ballot was received.
2. All student governments must protect balloting materials in a manner so as to prevent tampering. If the Elections Committee decides by 2/3 majority vote that the ballots of a particular student government have been or may have been tampered with, they may declare the entire election invalid, and schedule a new one. All monetary costs of doing so will be assessed to the offending student government.
3. No indication as to the total number of votes obtained by any candidate may be announced or distributed in any manner prior to the announcement by the Chair of the University Council Elections Committee.

**E. Paper Ballots**

2. Each government representative on the Council of Student Government Election Committee of the respective student association, shall compile the ballots, without totaling them, and place them in the ballot envelope provided by the Committee. The Office of Student Life will collect the ballots of any government that does not have a representative on the Student Government Election Committee.
3. The above-mentioned envelope must include the election report provided by the Council of Student Governments Election Committee which must include:
  - a. the name of the student government;
  - b. the total number of voters in the election;
  - c. the total number of ballots enclosed;
    - i. The ballots may *not* be totaled as to the total number of votes for each candidate; and
    - ii. If student governments utilize ballot machines, they shall list the total number of votes obtained by each candidate on each machine. They shall *not* total the results of all the machines to obtain a grand total for each candidate.
  - d. Signature of the sealing officers.
4. The ballot envelope shall be sealed and the signature of the student government representative on the Council of Student Government Election Committee and a member of the election committee of the respective student association shall be signed across the seal.
  - a. Under no reason shall the seal be broken without stating the reason the seal was broken on the election report in the space provided. The envelope must be then resealed and resigned.
  - b. Under no reason shall an individual student government announce any results as to the election for this office.

5. Each ballot envelope will be turned into the UB Office of Judicial Affairs/Ombudsman within twenty-four (24) hours of the following day of business after the sealing of the ballot envelope. The ballots will be stored in a safe until retrieved at the end of the election period by the Chair of the Council of Student Governments Election Committee.

**F. Tabulations:**

1. All ballots shall be tabulated by the University Council Elections Committee.
2. Blank, illegible or otherwise confusing ballots, as deemed by the Chair of the University Council Elections Committee, shall not be included in the tabulation.
3. If a ballot envelope, or the process by which the ballots were compiled, has been determined to be tampered with, the entire election will be forfeit. A 2/3 majority of the University Council Elections Committee shall determine whether any tampering as occurred.
4. The Election Committee must commence the counting of ballots within twenty-four (24) hours after the submission of the ballot envelope from the last student government. All ballots must be counted during one continuous executive session within a reasonable period of time.
5. The winner shall be the candidate who receives the most votes from all voters. In the event of a tie, a one-day run-off election will take place between the tying candidates on a date determined by a majority vote of the University Council Elections Committee. All the same rules apply to this run-off election as applied to the initial election.
6. After tabulation, all ballots and related materials shall be stored in a safe with the UB Office of Judicial Affairs/Ombudsman and kept for one year for public inspection upon request of the University Council Elections Committee. After one year, the ballots and materials may be destroyed.
7. The University Council Elections Committee Chair shall release the official election results within 48 hours of the day of polls closing.

**IV. Rule Certification:**

- A. The University Council Student Representative Election Rules and Regulations must be approved by all student government presidents no later than February 1<sup>st</sup> of each year.
- B. Should any complaints arise that are not explicitly covered in these University Council Student Representative Election Rules and Regulations, they must be made in writing and delivered to any of the student government presidents. Any president receiving the complaint shall notify the Council of Student Presidents within 48 hours of receiving the complaint. The Council of Student Governments shall meet and then decide what further action shall be taken within 7 days of being notified of the infraction.

**V. University Council Student Representative Conduct**

- A. The University Council Student Representative must abide by the University at Buffalo Student Code of Conduct
- B. The University Council Student Representative is a public officer of the State of New York and as such is subject to the laws, rules and codes of ethics applicable to all other members of the Council and must adhere to the standards regarding conflicts of interest and ethics covered in

New York State Public Officers Law sections 73 to 78. Additionally, the student member is accorded the protection of New York State Public Officers Law section 17 when acting within the scope of his or her service as a member of the Council

- C. If the University Council Student Representative violates either the Student Code of Conduct or the New York State Public Officers Law he or she will be referred to the Office of Judicial Affairs. The Director of Judicial Affairs and the Chief Justice of the Student-Wide Judiciary will decide the appropriate judicial body for a hearing. The student may be referred to the Student-Wide Judiciary or to an administrative hearing.
- D. If the office of Judicial Affairs or the Student-Wide Judiciary finds the student to be in violation of the Student Code of Conduct or the New York State Public Officers Law sanctions, up to and including removal from office, will be imposed.

## VI. **Recall**

- A. The University Council Student Representative is subject to recall under the following conditions:
  - Recall proceedings may be initiated against the University Council Student Representative if it is alleged that He/She has intentionally committed illegal acts while acting or purportedly acting pursuant to his/her position, or if he/she has intentionally violated the Student Code of Conduct or the New York State Public Officers Law.
- B. Recall proceedings shall be initiated whenever a recall petition containing the signatures of at least ten percent (10%) of the membership of the Student Body, or whatever the number of the people who voted in the last University Council Student Representative election, whichever number is greater, is received by the Student-Wide Judiciary.
- C. Within twenty-four hours of receiving the recall petition the Student-Wide Judiciary will turn over the petition to the Office of Student Life for signature verification. The office of Student Life will verify the signatures and return the petition to the Student-Wide Judiciary within one week of receipt.
- D. Within two weeks after receiving a valid recall petition, the Student-Wide Judiciary and the Office of Judicial Affairs shall conduct an investigation to determine the validity of the charges against the official. If the charges are found to be valid, the official shall be removed from office immediately and his/her position shall be declared vacant. If the charges are not found to be valid, he/she shall remain in office.
- E. If a student is recalled from the position of the University Council Student Representative that individual is not eligible for candidacy in the position of University Council Student Representative in any future election.

Last amended March 7, 2014  
Restated March 7, 2014