

**CHAPTER TWO**  
**SBA ELECTION BYLAWS**

**Last Updated 2/26/09**

**I. Title - Election Bylaws (Adopted 9/8/96)**

**II. Purpose (Adopted 9/8/96)**

A. The following election rules are designed to offer the students of the University of Miami School of Law a fair means of electing Student Bar Association Senators and Officers each year and a fair means of deciding referendum issues as they may occur.

**III. Election Commission**

**A. Purpose (Adopted 9/21/03 – SB03-29)**

The Election Commission exists solely to oversee, in a fair, impartial and unbiased manner, the General and Special Elections according to the Student Bar Association Constitution and Statutes, and to oversee filling of all student elected positions throughout the year as needed according to Statute. This legislation shall take effect for the 2003-2004 year and subsequent academic years.

**B. Composition & Selection (Adopted 9/21/03 – SB03-29)**

The Student Bar Association Election Commission (EC) **shall** be comprised of a board of seven members consisting of the SBA Supervisor of Elections, The Deputy Supervisor of Elections and five Election Commissioners (Commissioners).

a. Supervisor of Elections (Adopted 9/21/03 – SB03-26)

i. *The Supervisor of Elections* (Supervisor) shall:

A. Serve as the chair of the Election Commission (EC) and shall have the responsibility of administering all SBA Elections and shall be the chief EC member who shall enforce the SBA Election bylaws and any other SBA or I.C.C. rules and regulations as they pertain to the SBA Election process.

B. Serve only one academic year term of office. He/she shall be nominated by the SBA President. The president shall present his/her nominees to the SBA Senate for confirmation. A two-

thirds vote of the present and voting members of the SBA Senate shall be required to confirm the nominee. He/she must be appointed by the last meeting of the Spring prior to summer Break. For the purpose of ensuring that an SBA Supervisor of Election is confirmed before the Spring 2004 SBA Elections, the current (2003-2004) SBA President must bring a nominee to the Senate for confirmation before the conclusion of the Fall 2003 semester.

- C. Supervise and direct the EC support staff for legal and efficient completion of elections. The Supervisor shall have the power to appoint a staff, when necessary, to act as poll workers. All staff members shall be approved by a simple majority vote of the EC.
- D. Enforce the SBA Election Bylaws by a system of point assessment which may lead to the disqualification of candidate(s). The Supervisor shall have the power to investigate all alleged violations of the SBA Election Bylaws. This investigative power shall adhere to the limitations as set forth in these statutes. The Supervisor shall have the power to make rulings on violations of the campaign rules by the candidates and assess penalty points accordingly. However, all rulings by the Supervisor can be overturned by a simple majority vote of the Election Commission.
- E. Ensure, in the event of a paper ballot election, that a member of the EC shall be present at all elections during the counting of votes to moderate and verify results and to announce the results of SBA elections in the case only that he/she can not be present.
- F. Inform the incumbent SBA President, SBA Speaker of the Senate and SBA Chief Justice of all election's results.
- G. Submit for review and approval the Election Commission's Rules of Procedure (ROP) to the SBA Supreme Court by the second week of the spring semester. In the absence of minimum quorum of the SBA Supreme Court, the ROP should be submitted to and approved by the SBA Senate.
- H. Inform all candidates of the election dates at least three weeks prior to the date of the election.

b. *Deputy Supervisor of Elections* (Adopted 9/21/03 – SB03-27)

- i. The Deputy Supervisor of Elections (Deputy) shall:

1. Serve as the vice-chair of the EC. The Deputy shall serve no more than one academic year terms of office. He/she shall be nominated by the SBA President. The president shall present his/her nominees to the SBA Senate for confirmation. A two-thirds vote of the present and voting members of the SBA Senate shall be required to confirm the nominee. He/she must be appointed by the last meeting of the Spring prior to summer Break.
2. Shall assist the Supervisor in administering all SBA Elections and in enforcing the SBA Election bylaws and any other SBA or I.C.C. rules and regulations as they pertain to the SBA Election process.
3. In the event the Supervisor resigns or is removed from office or is otherwise unable to fulfill the duties of his/her office, the Deputy shall serve as Acting-Supervisor until such a time as the SBA Senate calls for a special election to fill the Supervisor's vacancy.

c. Election Commissioners **(Adopted 9/21/03 – SB03-28)**

- i. There shall be five Election Commissioners, in addition to the Supervisor and Deputy Supervisor of Elections, on the EC.
- ii. Two of the five Election Commissioners (Commissioners) shall be 3L students appointed by the Speaker of the SBA Senate. The SBA Speaker shall present his/her EC nominees to the SBA Senate for confirmation. A two-thirds vote of the present and voting members of the SBA Senate shall be required to confirm the nominees. Each of the SBA Speaker's appointed Commissioners shall serve a one year term.
- iii. One of the five Commissioners shall be the incumbent SBA President.
- iv. The remaining two of the five Commissioners shall be appointed by the President of the Honor Council. The Honor Council President shall submit a letter or an e-mail to the Speaker of the SBA Senate to inform him/her as to who are the Honor Council's appointment. It shall be the duty of the SBA Speaker to announce the appointments to the SBA Senate. Each of the Honor Council Presidential appointed Commissioners shall serve a one year term.

- v. Commissioners are entitled to serve their full one year term until their graduation, unless they have been removed from office by means of an impeachment proceeding.
  
- vi. No member of the election Commission shall currently hold any appointed or elected Executive, Judicial, or Legislative office (excluding 3L Senators) or serve on the support staff of any branch within the SBA. A student representative to a faculty selection or academic advisory committee is not considered an appointee or member of support staff for the purposes of this section. **(Adopted 1/29/09 – SB 13B-08)**
  
- vii. No member of the Election Commission shall be a candidate for Student Government office, or a relative or roommate of any candidate for a SBA office. **(Adopted 1/29/09 – SB 13B-01)**
  
- viii. No member of the Election Commission shall campaign for or against any candidate, initiative, referendum, or Constitutional Amendment.
  
- ix. Upon just cause and in written and signed request by the Student Bar Association Supreme Court, any candidate for office shall have the right to request a recusal of any member of the Election Commission. The SBA Supreme Court shall investigate the complaint and upon finding merit, that member must recuse himself or herself.

### **C. Overnight Security**

In the event of a two day paper ballot election, the Election Commission shall turn the ballot box over to the Dean of Students (Dean VanderWyden), for the purpose of securing the ballot box overnight and to prevent any tampering with the ballots results. **(Amended 9/21/03 – SB03-29)**

### **D. Duties (Amended 10/19/03 – SB03-30)**

(1) The duties and powers of the Election Commission shall include the following:

- (a) To submit suggested changes in the statutes to the Senate that may be needed to amend the Election Bylaws.

(b) To provide information and notification of elections and qualification through the mandatory candidates meetings, global e-mails, *The Res Ipsa Loquitur*, the *SBA Hearsay*, and flyers.

(c) To determine and organize, when necessary, any candidate debate for SBA President, Vice-President, or any other Executive Board election.

(d) To provide a SBA standardized ballot form (paper or computerized) to be used at all elections and create a random method for selecting the order in which the candidates names are to appear on the ballot.

(e) To obtain verification of the qualifications of all candidates/officers-elect.

(f) To assure that all candidates are notified of all rules concerning campaigning and campaign expenses.

(g) To enforce and interpret the point value assessments for each particular election rule violation, which shall be used as the basis to issue sanctions against candidates who violate the rules. The Supervisor shall have the power to assess violation points against a candidate, but the violation assessment must be approved by a simple majority vote of the EC. Should the EC decide that the campaign violation points are not valid, then no points shall be assessed.

(h) To conduct disqualification hearings for candidates who have violated any election bylaws or campaign rules.

(i) To declare that a candidacy has been disqualified. However, the SBA Supreme Court shall have the power to issue an injunction against the implementation of any decision of the Commission, including disqualification. Any ruling by the EC can be appealed to the SBA Supreme Court who shall have the power to overturn the EC's ruling.

#### **E. Scope of Investigative Powers (Amended 10/19/03 – SB03-30)**

- (1.) The Election Commission shall have the power to investigate all campaign violations.
- (2.) No member of the EC shall be permitted to investigate alleged violations at any candidate's home or private forum without just cause.
- (3.) No member of the EC, in bad faith, shall recruit or solicit help of another.
- (4.) If any EC member is caught engaging in any of the practices listed above in this section, then their actions shall serve as grounds for impeachment or removal.

#### **F. SBA Statutory Bylaws Workshop (Amended 10/19/03 – SB03-30)**

- (1) All members of the EC shall be required to attend a Statutory Bylaws Workshop once every semester. The Fall workshop must be held before the Fall SBA Elections and the Spring workshop must be held before the Spring SBA Elections.

- (2) The SBA Supervisor of Elections, Speaker of the SBA Senate, and SBA Parliamentarian shall host this workshop.
- (3) The purpose of the workshop shall be to inform and update the EC members on any new SBA laws or judicial interpretations effecting the SBA election process. Furthermore, the workshop is to ensure that all members of the EC are familiar with the existing Election Rules and Bylaws and can demonstrate their competency.
- (4) Failure to attend and participate in the workshop, without a valid excuse, may be grounds for the removal of the absent EC member.

#### **G. Staffing and Ballot Counting (Adopted 10/19/03 – SB03-30)**

- (1) All SBA elections shall be supervised by the EC.
- (2) The Supervisor shall have the power to select additional staff members when necessary to ensure legal and efficient execution of elections. All additional staff members appointed by the Supervisor must be confirmed by 2/3 vote of the Commission.
- (3) No members of the judicial branch may man a ballot box, serve as additional staff, or be in a voting area except to cast his/her vote.
- (4) In the event of a situation where there is evidence that the election results may have been unduly tainted before counting of the ballots has taken place, neither the Supervisor, Deputy Supervisor, Commissioners, SBA President, or SBA Speaker of the Senate shall have the power to suspend counting of the SBA Election results. The EC shall proceed with counting the ballots, but it shall have the power to withhold the election results pending a final review of the evidence by its members.

#### **H. Judicial Review for Elections (Adopted 10/19/03 – SB03-30)**

- (1) The Election Commission shall be subjected to judicial review and may assume additional responsibilities only with consent of the SBA Senate.
- (2) The suspension of the election count can only occur by an injunction issued by the SBA Supreme Court as allowed by the judicial bylaws.
- (3) The court shall make its determination within 24 hours of receiving the injunctive request.
- (4) Should the SBA Supreme Court find that the evidence is insufficient to warrant invalidating the election, it shall have the power to authorize the Supervisor to announce the election results to the public. Should the Supreme Court find that the evidence is sufficient to warrant invalidating the election, then the Court shall refer to the Senate for an order for a special election.
- (5) Any decision of the EC can be challenged by any member of the SBA, as defined by the

SBA Constitution. This right can not be waived or the subject as a condition of waiver by the EC or any other SBA entity, as a means of preventing the EC from carrying out its duty to oversee and execute the SBA elections.

**I. EC Open Public Provision (Adopted 10/19/03 – SB03-31)**

- (1) All meetings of the EC shall be open to the public, excluding violation hearings. It shall be the responsibility of the Supervisor to ensure that all candidates receive sufficient and proper notice of all EC meetings.
- (2) The EC shall hold a point assessment meeting or, if warranted, a disqualification hearing within 48 hours from the time the accusation, concerning the candidates election violation, is brought to its attention.
- (3) No violations can be assessed nor can any decision to assess violations be made via telephone conference or by e-mail votes. A formal meeting must take place in order for points to be assessed against a candidate.
- (4) In the event of a paper ballot election, the counting of the ballots must be done in a place on campus and the public must be notified in advance of the location. No member of the EC shall have the power to turn away observers of the count, unless it has been conclusively established that the observer(s) has attempted to taint the results of the count.

**J. Campaign Violation Complaint Procedures (Adopted 1/29/09 – SB 13B-06)**

- (1) Any student or candidate who has first hand knowledge of a campaign violation can file a complaint with the EC against another candidate who has allegedly violated the SBA Election Bylaws.
- (2) The complaint may be in written form or electronic format, but it must clearly state the name of the individual who is bringing the complaint and it must cite the specific Election rule/statute that the candidate is allegedly violating. Supporting evidence of the violation (such as depositions, affidavits, and any other physical evidence) may be submitted with the complaint.
  - (3) Upon filing the complaint, the EC shall schedule a point assessment hearing or, if the candidate has reached the maximum campaign violation points, a disqualification hearing within 48 hrs. This hearing can not be a telephone conference or an e-mail exchange. The EC shall make all reasonable attempts to set the hearing at a time where the defending candidate can attend.
- (4) Before the hearing convenes, the Supervisor shall inform the SBA candidate, against whom the allegations are posed, and shall afford him/her an opportunity to respond to the EC during the hearing. The accused shall be afforded full due process rights.
- (5) The EC shall have 24 hrs., after it adjourns from its violation hearing, to render a decision.

- (6) Any student can appeal any EC decisions to the SBA Supreme Court. In the event that there is no functioning SBA Supreme Court, then the final resolution power of the appeal shall vest in the panel of deans in the Dean of Students Office.

**K. EC Code of Ethics (Adopted 10/19/03 – SB03-32)**

- (1) All members and staff of the EC are to be impartial and unbiased in executing their duties. They must not display any acts of favoritism or provide substantively unfair advantages to any particular candidate, nor attempt to affect or influence the election outcome.
- (2) No EC member or Staff, including but not limited to the Supervisor of Elections, shall be a candidate for office or assist any candidate's campaign for any office in an official or ex-officio manner.
- (3) No EC member shall accept money, positions, awards, or any other form of bribery from a SBA candidate or his/her supporters. If such a situation arises, where he/she is approached by a candidate or his/her supporters with a bribe, then it will be the responsibility of the Supervisor, Deputy Supervisor, Commissioner, EC staff to report the incident to the EC.
- (4) Violation of the EC Code of Ethics by members and staff of the EC shall serve as grounds for impeachment or removal.

**L. Removal and Resignations of the EC Members (Adopted 10/19/03 – SB03-32)**

- (1) The SBA Senate shall have the power to impeach any member of the Election Commission by a 2/3 majority vote of the SBA Senate.
- (2) Once impeached, the EC member is officially suspended from his duties, pending the outcome of his/her removal proceeding by the SBA Supreme Court.
- (3) Ultimate removal power over the EC shall be vested in the SBA Supreme Court. A simple majority vote shall be required to remove a member of the EC.
- (4) Should the Court decide not to remove, then the EC member shall resume his/her duties.
- (5) Any member of the EC can resign from their position before he/she graduates. A resignation must be submitted to the Supervisor.

**IV. Filing & Declaring Candidacy (Adopted 10/19/03 – SB03-33)**

A. Students may only file as a candidate for an SBA position, be it executive or legislative, only after the election for such position has been announced per these bylaws.

B. Once a student has filed his/her papers to run for an SBA position, then he/she has officially

declared his/her candidacy. At that point, all SBA Election rules and regulations governing the manner of how candidate campaigns should be conducted will be in effect.

- C. Filing period for the Spring SBA Elections, shall start on the first Wednesday in the month of February and end at 7 pm on the following Tuesday. Filing period for the Fall SBA Elections, shall start on the next to the last Wednesday in the month of September and end at 7 pm on the following Tuesday. **(Adopted 1/29/09 – SB 13B-02)**
- D. Upon filing, the candidate must read the SBA Constitution and election rules and sign a statement of understanding and agreement to abide by both documents.

- 1. In order to answer candidate questions and communicate important election information, a meeting shall be held by the Election Commission during the filing period.

- 2. This meeting shall be advertised at the same time as the filing period is advertised and in the same manner.

- E. Any students who wish to campaign on behalf of a referendum, constitutional amendment or initiative issue shall file with the Election Commission.

#### **V. Campaigning (Adopted 10/19/03 – SB03-34)**

- A. Campaigning for all SBA positions, referenda, initiatives, and Constitutional Amendments shall take place immediately following the filing period as designated in Article VI of this chapter.

- B. The campaigning period shall last one calendar week beginning at 7:00 AM the day after filing has closed, and end at 11:59PM the day before elections.

#### **VI. Election Violations (Adopted 10/19/03 – SB03-34)**

##### A. Scope

- a. All members of the SBA are bound under this Code.

- b. Conviction of any person for violation under this Code shall not preclude subsequent prosecution by the University of Miami School of Law Honor Council.

- c. Nothing in this Code shall remove jurisdiction of the Supreme Court to hear Election Code violations on appeal.

- d. Student Organizations are restricted from all campaigning in SBA elections except for allowing campaign speeches in a regular meeting of the student organization. Any student organization that chooses to allow any campaign speech must afford the same opportunity to all candidates who request an opportunity to address the organization before the meeting has occurred.

- e. All candidates as well as sponsors of initiatives, referenda, or Constitutional Amendments shall be responsible for enforcing all campaign rules for their supporters.

B. Minor and Major Violations

- a. Each occurrence, event, or time that violates the Election Code shall constitute a violation.
- b. Violations of this Code shall be designated a major or minor offense and shall be assigned as delineated in this provision.

c. Minor Violations

- i. Campaigning and/or loitering within polling site perimeter, to be minimally defined by the EC as in the student lounge and within 15 feet of the lounge doors during voting hours

ii. *Poster Requirement Violations*

1. Hanging more than one poster per candidate or issue. Posters shall be hung only in the windows of the Warren Rosemarin Café. Spaces in the windows are on a first in time - first in right basis. If two posters can fit where one is placed, the Election Commission reserves the right to move and position the poster to allow for the efficient use of space
2. Failing to secure poster properly. If the administration requires special tape for posting, the SBA shall provide that tape to candidates at no cost.
3. Exceeding the 2' x 3' size limitation.
4. Failing to remove the poster within 24 hours after the close of polls, unless the campaign period for a run-off involving the candidate or issue has begun.

iii. *In-Class Speech Violations*

1. Failing to acquire permission from a professor, and/or disturbing his/her class.
2. Speaking for longer than allotted time; one minute for Senators, Non-Constitutional Referenda, and Initiatives; two minutes for executive board positions and Constitutional Amendments.
3. Giving more than the authorized number of speeches. Each student may give one speech in any particular upper division class and no more than two speeches for each section of first year students.

4. Giving a speech on Election Day.

5. Speaking in a 1L elective class. **(Adopted 2/26/09 – SB 13B-09)**

iv. *Button Violations*

1. Wearing more than one button.

2. Allowing supporters to wear buttons in the candidate's name.

3. Wearing a button that does not fit within the area of a 6" circle.

4. Wearing a button within the polling site perimeter during elections.

5. Providing others buttons to support a referendum, initiative, or Constitutional Amendment. Any students wishing to wear a button on behalf of a referendum issue may do so, but they must make and/or buy their own.

v. *Personal Statements*

Providing false information in a personal statement. Each candidate or person concerned with a referendum shall be allowed to compose a personal statement to be placed in the *SBA Hearsay* and, when possible, in the *Res Ipsa Loquitur*.

vi. Failure to monitor campaign supporters, including fellow party members and student organizations.

vii. Any other violation in which the EC has announced to all candidates upon filing that will be used in the specific election.

d. *Major Violations*

i. Bringing false or malicious charges against another candidate or party.

ii. Utilizing libelous, defamatory and false material against others.

iii. Knowingly providing false information during a debate.

iv. Defacing or damaging poll booths or University election related material.

v. Campaigning prior to the designated campaign period.

vi. Telemarketing for votes. Telemarketing, for the purpose of this statute, shall be phone calls aimed at soliciting votes.

- vii. Campaigning via e-mail.
- viii. Creating a website as a campaign device.
- ix. Creating new forms or devices for campaigning
- x. Performing an activity that would place another candidate or party in violation, excluding notification of any violation to the EC.
- xi. Offering goods and/or services in exchange for votes.
- xii. Spending more than the campaign expense limit. Campaign expenditures shall not exceed \$50.00 for Senate positions and non-Constitutional referenda and \$75.00 for Executive Board positions and Constitutional referenda.
- xiii. Providing fraudulent expense statements when required to provide them by mandate of the Election Commission
- xiv. Attempting to bribe any Election Commissioners.
- xv. Tampering with ballot boxes.
- xvi. Depriving poll sites of ballots or destroying ballots.
- xvii. Any attempt, other than tampering with election machinery, to perpetrate a fraudulent election. This shall include but is not limited to providing false information regarding filing or elections procedures, voting more than once, attempting to vote with another person's student identification card.
- xviii. Violating an order from the Election Commission to cease and desist, or an order of specific performance of any other violation.

e. Non-Accumulating Violations

i. *Personal Statements*

1. Submission of late statements. The EC shall create a deadline for all statements to be turned in; any late submission shall not be printed.
2. Exceeding the word limit. The election commission shall have the right to print only the first 100 words for Senatorial candidates, Non-Constitutional Referenda, and Initiatives, and 200 words for Constitutional Amendments and Executive Board candidates. For purposes of these statements, candidate's names and positions sought may be used one time and not count toward the word limitation.

ii. Failing to remove a campaign poster within the 24 hour period following the election may result in the removal of the campaign poster by the EC.

C. Penalties

a. The Elections Commission shall tabulate violations as follows:

i. A running tabulation as violations occur

ii. Immediately after the final closing of the polls during the general or special election.

iii. After the closing of the polls during a run-off election.

iv. Before certification of the ballot.

b. Violations and Penalties

i. Four minor violations accumulated by a candidate will constitute dismissal from the current general, special, or run-off election.

ii. Two major violations committed by a candidate or party will constitute dismissal of guilty persons from the current general, special, or run-off election.

iii. A combination of one major violation and two minor violations by a candidate or party will constitute dismissal of guilty persons from the current general, special, or run-off election.

D. Notification of students of dismissal of a candidate

a. The Elections Commission, upon finding that an individual or party has met the grounds for dismissal, shall provide actual notification to the candidate. After notification, the EC shall post a written statement outside of the SBA Office stating the candidate's name to be dismissed and grounds for dismissal.

b. Candidate(s) and parties may appeal assignment of penalties to the SBA Supreme Court within twenty-four (24) hours of assignment of penalties.

**VII. Voting (Adopted 1/29/09 – SB 13B-03)**

A. Voting for SBA elections shall be done through the University's online myUM System, using the students 'C' number. Only one vote per 'C' number shall be cast.

B. For purposes of online voting, the Election Supervisor shall be the official student contact with the University of Miami Department of Information Technology (IT).

- C. No student may attempt to view another student's online ballot.
- D. Senators, Officers, and others may be called on to assist in administering the voting as needed, providing the Election Commission establishes adequate measures to protect the integrity of the election. No candidate may administer the balloting. Individuals staffing the election table shall not discuss candidates or ballot issues with voters.
- E. Candidate's names shall appear on the ballot in random order. The lottery for ballot order shall be conducted in a public meeting. Once the lottery is completed, the names shall be entered into the EASY System by the Dean of Students Office in the order determined by the lottery.
- F. Ballots shall contain the names of all registered candidates, as well as a space for write-ins.
- G. In the event of prolonged technical failure, the Election Supervisor may as a matter of exigency decide to hold paper balloting. Any such decision must be ratified by a majority of the Election Commission within 12 hours, and must not be made before all best efforts have been made to correct the failure. Paper balloting shall be governed as follows:
1. Paper balloting shall follow all relevant provisions of this Chapter not exclusive to online voting.
  2. Ballots shall be photocopied only by the Election Supervisor.
  3. Ballots shall contain the names of all registered candidates, as well as a space for write-ins.
  4. The original ballot must be initialed or signed by the Election Supervisor before photocopying.
  5. At the polling place, before providing a student with a ballot, the election table staff shall stamp that ballot with an official SBA stamp. When the ballots are counted, any ballot without the stamp will be invalid.
  6. Students may not exit the polling area with a ballot.
  7. The Election Commission shall take necessary measures to secure the ballot box overnight in two-day elections.
  8. Only members of the Election Commission may participate in the counting of the ballots.
  9. Counting of ballots shall be conducted in the largest room available and open to the public immediately following the election. Individuals who are not members of the Election Commission must remain at least ten feet away from the counting area. No ballots may leave the counting area during the counting.

10. The Election Commission shall make every good faith effort to decipher ballots. However, any ballots which are marked ambiguously will not be counted. An invalid vote in one section of the ballot will not necessarily invalidate the entire ballot.

11. All ballots, referendum or otherwise, must be counted, regardless of voter turnout.

H. Students who are part of the LLM program, JD/MBA program, or another joint degree program that still requires taking law school classes, shall have the opportunity to vote during SBA elections. **(Adopted 1/29/09 – SB 13B-05)**

### **VIII. Election Results (Adopted 1/25/04 – SB03-41)**

A. Ballots shall be automatically tabulated by the EASY System, and IT shall then submit the results to the Dean of Students Office designee and the Supervisor of Elections for verification. Write-in votes shall be counted by the designee and the Election Supervisor. Once all results have been verified, the Election Supervisor shall publicly post them.

B. Upon request, any student may review a printed copy of the results, in the presence of the Dean of Students Office designee. No student shall mark or tamper with the printed copy in any way.

C. Where voters can select more than one candidate for a position (i.e. Senate seats), ballots selecting less than the maximum selections are counted. Ballots selecting more than the maximum will not be counted for that office.

D. There should never be more ballots cast than students who sign the voter rolls. If this occurs, the Election Commission shall determine the appropriate action.

E. The posting of election results shall be governed as follows:

1. The official election results shall be posted in the Student Lounge at, but not earlier than, 12 P.M. on the day following the election.

2. If the legitimacy of the election or referendum is being questioned, then the words "UNDER REVIEW" shall appear underneath the posted results.

3. If there is no review, or if the review has been satisfied, then the word "FINAL" shall appear underneath the posted results.

4. If the election or referendum is found to be invalid, the word "INVALID" shall appear underneath the posted results, and the reason shall be given, listing no particular student's name.

5. If there is a runoff, the word "RUNOFF" shall appear and the date(s) and time(s) announced.

6. The results of the election shall be ratified by signature by the SBA President.

7. The results must be left posted for 10 days.

F. In the event of a breach of security or lost data within the EASY System, the Election Commission shall have the authority to determine whether to re-run the election. Any such decision must be made by a 2/3 vote of the Commission within 24 hours of notification of the breach or lost data

#### **IX. Polling Hours (Adopted 1/25/04 – SB03-41)**

A. Balloting for Fall and Spring general elections shall take place over a two-day period from 9:00 AM to 9:45 P.M.. The Election Commission may establish an earlier start time if desired.

B. Run-Off and Special elections shall be governed as follows:

1. Balloting shall ordinarily take place over a two-day period, from 9 a.m. to 9:45 p.m.
2. However, the Election Commission may, by majority vote, decide to hold one-day elections for Run-Off and Special elections.
3. The Election Commission may, by majority vote, decide to shorten the polling hours for Special elections, but may not have fewer than 5 polling hours on any day of Special election balloting. The Election Commission may not shorten the polling hours for Run-Off elections.

#### **X. Initiatives, Constitutional Amendments, & Referendums (Adopted 11/02/03 – SB03-35)**

A. All petitions to directly place an initiative, Constitutional Amendment, or a Referendum directly on the ballot must be submitted to the EC no later than three weeks prior to the date of the scheduled election.

B. All parties interested in filing a petition shall obtain a petition registration form from the EC. If in the event, the EC is not active, then the Senate shall have the responsibility of assuring that petitions are made available to the campus.

C. The EC shall have the responsibility of certifying the signatures on the petition to verify that the names listed are students and that the number of signatures match the necessary percentage (%) of the student population to be placed on the ballot.

D. The EC shall have five school days to certify the petition.

#### **XI. Write-in Candidates (Adopted 9/8/96)**

A. Students who fail to register for positions within the filing period will not be placed on the ballot.

B. Write-in candidates campaign under the same way and under the same limitations as candidates on the ballot.