

Order SO 2021-17

November 12, 2020

Matthew Bisner, *Judicial Council President*
Thomas Davis, *Parliamentarian*

**AN ORDER TO AMEND THE CONSTITUTION OF THE UNDERGRADUATE STUDENT BODY TO
ADOPT CONCISE AND CONSOLIDATED ELECTION REGULATION**

Ordered by the Student Senate of the University of Notre Dame du Lac,

That the Constitution of the Undergraduate Student Body, pursuant to Section I (5) of the same, is hereby amended as follows:

I. Article XVI is hereby amended as follows:

Section 1. General Provisions.

- (a) Any Notre Dame undergraduate student in good academic standing as determined by the Office of the Registrar and good disciplinary standing as determined by the Office of Community Standards is eligible for candidacy.
- (b) A candidate/ticket shall be defined as any undergraduate student(s) with the intent of seeking office who are therefore subject to election regulations.
- (c) All election rules and campaigning are subject to University regulations as outlined in duLac. Please note that the placing of posters in non-bulletin board space is not permitted by University regulations, and candidates do so at their own risk.
- (d) Candidates are expected to behave ethically at all times. Involvement in or instruction of others to engage in any unethical behavior will be determined and penalized by the Election Committee of Judicial Council.
- (e) Petitioning and campaigning may be held only over a period specified by the Election Committee.
 - (1) Petitioning consists of any public contact for the solicitation of signatures to get on a ballot. For the purpose of petitions, the original signature of an undergraduate student shall be required to signify approval of a candidate/ticket's placement on the ballot.
 - (2) Campaigning consists of any public contact for the solicitation of votes. Personal appearances, placement of posters, or distribution of any election materials shall be considered campaigning.
 - (3) Any petitioning or campaigning before or after the specified period is a violation of campaign rules. Petitioning and campaigning within LaFortune is allowed only in the basement and the 1st floor. Petitioning or campaigning within Duncan Student Center is allowed only on the 1st floor, with the exception of the radio station WVFI and other campus media outlets with prescheduled appointments only. No petitioning or campaigning may take place in or near any Student Union office or venues occupied by the Student Union, or any space that is funded by the Student Activities Office. No one may petition or campaign in any venue while occupied by a class period, exam, or during the passing period directly before or after within the class venue.
- (f) E-mail as a source of campaigning may be used; however, the use of Listservs is prohibited. A listserv email is any email that ends in "@listserv.nd.edu" or any variations in terms of capitalization thereon. Google Groups created for use by a Residence Hall, Student Union Organization, or University department, office, or official may not be used in campaigning.
- (g) Endorsements.
 - (1) Endorsements shall include public, formal, or organized communication or appearances indicating support for a candidate/ticket.

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- (2) Candidates/tickets may solicit and campaign on endorsements from student groups and from individual students.
 - (3) No Student Union organization enumerated in this Constitution may endorse a candidate for a student office.
 - (4) Individuals holding the following offices enumerated in this Constitution may not endorse any candidate/ticket, and candidates/tickets may not seek endorsements from the following offices:
 - (A) Student Body President.
 - (B) Student Body Vice-President.
 - (C) Student Body President-elect.
 - (D) Student Body Vice-President-elect.
 - (E) Chief of Staff.
 - (F) Members of the Election Committee.
 - (G) Student Union Board Executive Director.
 - (H) Student Union Treasurer.
 - (I) Class Council Officers.
 - (J) Off-Campus Council Officers.
 - (K) Hall Presidents Council Co-Chairs.
 - (L) Hall Presidents and Vice-Presidents.
 - (M) Club Coordination Council President.
 - (N) Hall Senators.
 - (O) Off-Campus Senator.
 - (5) No individual currently holding an office enumerated in this Constitution may endorse a candidate for that same office.
 - (6) Candidates may not seek an endorsement from or communicate an endorsement such that it can be construed to represent that of a Residence Hall, Student Union Organization, University department, office, or official.
 - (7) No student group may use funds of any type (allocated or unallocated) to support a candidate for a student office.
- (h) Social Media.
- (1) A personal social media account or page may be used to campaign. If a candidate uses their personal media account or page for their campaign, that personal account or page must be made accessible to the Judicial Council. All actions on a personal account or page which may be construed as campaigning must adhere to the guidelines detailed in this Article.
 - (2) "Social Media," as a rapidly developing and changing field, shall be interpreted by the Election Committee on an ongoing basis. In the event of new or changing policies, candidates will be informed before the release of petitions.
- (i) Campaign Finance
- (1) A campaign limit is set for all elections. All outside contributions count toward the limit. All donations shall be assessed towards the limit at their fair market value with the sole exception of an individual's labor which shall not be assessed against the limit. A campaign limit is set for all Student Body Presidential and Vice-Presidential candidates' tickets at \$200.00. The Judicial Council shall make available funds to reimburse the candidates for Student Body President and Vice-President of expenses incurred for the purpose of campaigning. These expenses must have been presented to the Election Committee. Reimbursements shall not exceed the campaign spending limit, and the Judicial Council President shall approve these reimbursements.
 - (A) A campaign limit is set for all First Year Class Council candidates at \$20.00
 - (B) A campaign limit is set for all Class Officer candidates at \$75.00.
 - (C) A campaign limit is set for all Senator, Hall President, Hall Vice-President(s), and SUB Representative at \$50.00.

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- (D) A campaign limit is set for all Off-Campus candidates at \$75.00.
- (2) If tickets are formed amongst any of these positions the spending limit shall apply to the entire ticket and not to the individuals who make up the ticket. Combining campaigning funds of more than one ticket is not permitted and shall result in forfeiture.
 - (3) Receipts for all election materials purchased or donated must be presented to the Election Committee or Hall Election Coordinator prior to any use of the materials. All receipts must be accompanied by a list of materials purchased.
 - (4) Failure to disclose the proper cost of any election materials is a highly serious breach of campaign rules. Penalty shall be forfeiture of candidacy.
 - (5) In the event that an election proceeds to a runoff, all tickets in the runoff may have a nominal increase in their funding equivalent to 20% of the funding initially allocated for the primary election.
- (j) Misconduct
- (1) All allegations of election misconduct are to be submitted to the Vice-President of Elections. All potential violations must be reported within 48 hours of the time committed or 11:59PM on the day of the election, whichever is sooner.
 - (2) The Judicial Council shall then conduct a review of the allegation as outlined in Article XIII and follow appropriate procedures.
 - (3) Sanctions for violations of election regulations shall be up to the discretion of the Election Committee. The Election Committee shall be able to select an appropriate sanction, up to and including forfeiture of candidacy. The Election Committee reserves the right to change any sanction based on the magnitude of the offense. The committee will adhere to a policy of keeping all rules uniform to all candidates.
 - (4) In any dispute over the Election Committee's interpretation of these rules, any interpretation may be appealed to the Student Senate. The penalty imposed by the Election Committee shall stand until such time as the Senate hears the appeal.
 - (5) No election result may be released to the public while any allegation or appeal is pending.
 - (6) Failure to settle any penalties before election days shall result in immediate forfeiture of candidacy.
- (k) Beginning at midnight the day of the election, all forms of campaigning are prohibited in the immediate polling place. The immediate polling place must be cleared of all campaign literature by the Hall Election Coordinator in the case of in-hall voting, and by an Election Committee member in the case of voting that takes place elsewhere. In the case that the election is held online, a personal computer is not a physical ballot station. "Immediate polling place" is defined as the area within 20 feet of a physical ballot station provided by Judicial Council or Hall Election Coordinator.
- (l) The Judicial Council President and the Judicial Council advisor shall be responsible for verifying the validity of all votes cast in any election.
- (1) Blank votes, unapproved write-ins, or split ticket votes shall not count as valid votes and shall not be considered in the final tally.
- (m) No new bylaws pertaining to elections may be put into practice after petitions become available without a three-fourths vote of the Senate.
- (n) In cases of elections where there is one candidate/ticket running unopposed the Judicial Council may recommend that the Student Senate suspend the election and the candidate/ticket shall be declared the winner.

Section 2. Student Body President, Vice-President, and Class Councils.

- (a) The exact date of the elections for Student Body President, Vice-President, and Class Officers shall be announced before January 30th each year.

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- (b) There shall be an informational meeting for all candidates. All rules and regulations will be explained and discussed. It is the responsibility of all candidates to be fully aware of the official election rules as outlined in this Constitution, Election Bylaw, and relevant University regulations.
- (c) Campaigning may begin as soon as a candidate/ticket has turned in a fully signed petition and it is verified and approved by the Election Committee.
- (d) No petition shall be accepted after the deadline without prior written approval of the Election Committee. A new member on a ticket without approval by the Election Committee must get new signatures. Only official petitions as distributed by the Election Committee may be used. An official list of candidates shall be posted outside the Student Government Office.
- (e) Copies of all physical campaign materials, including but not limited to posters, flyers, and table tents, must be submitted to the Election Committee and stamped for approval by a member of the Election Committee, excluding the Parliamentarian, before posting.
 - (1) Posters to be placed on bulletin boards may not exceed eleven inches by seventeen inches. Posters may be placed inside residence halls and within public buildings. No posters may be placed within the classrooms themselves.
- (f) Write-in candidates are those candidates who missed the deadline or switched tickets after the deadline. Write-in candidates may be voted for, but will not appear on the ballot. Write-in candidates shall be approved under the following conditions before the date of the election:
 - (1) Candidates must furnish independent proof of good academic standing from the First Year of Studies or the Office of the Registrar and proof of good disciplinary standing from the Office of Community Standards.
 - (2) The Election Committee shall not undertake the responsibility of informing the student body of write-ins' placement on the ballot.
 - (3) Candidates must submit a petition with 100 unique signatures in addition to the required number of signatures for the position.
 - (4) All materials for write-in candidacies must be submitted for approval by the Judicial Council no later than four (4) calendar days before the election.
- (g) Student Body President and Vice-President Election.
 - (1) Candidates for Student Body President and Student Body Vice-President must run on the same ticket. Students may not split tickets when voting.
 - (2) The primary election for Student Body President and Vice-President shall be held on the fourth Wednesday of the second semester. The run-off election will be held on the Monday following the primary.
 - (3) Petitions for the office of Student Body President and Vice-President shall require 700 signatures for the placement on the ballot. Petitions will be made available at noon on the first Tuesday of classes of the second semester. The deadline for the filing of all petitions is noon of the Friday of the following week.
 - (4) The Judicial Council shall facilitate campus debates for the candidates running for Student Body President and Student Body Vice-President.
- (h) First Year Class Council.
 - (1) First Year Class Council Representatives shall be elected by a majority vote of the first years in each residence hall by the fourth Friday of the academic year.
 - (2) A first year shall submit to the Election Committee a petition of no less than 10% of his or her residence hall's first year residents to be considered an eligible candidate.
- (i) Class Officer Election.
 - (1) The Class Officers Elections shall be held before March 3rd each year.

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- (2) Candidates for Class Officers must run on one ticket that designates the positions of President, Vice-President, Secretary, and Treasurer. Students may not split tickets when voting.
- (3) Petitions for class officer shall require 200 signatures for the placement on the ballot.

Section 3. Hall Elections.

- (a) General Hall Provisions.
 - (1) All hall elections are to be conducted by the Hall Election Coordinator.
 - (2) Each Hall Election Coordinator is responsible for following the guidelines set forth by the Election Committee.
 - (3) Each Hall Election Coordinator must hold an information session for students interested in the positions.
- (b) Hall Senator, President, Vice-President(s), and SUB Representative.
 - (1) The election for Senator shall be held prior to March 8th of each year. The election for President, Vice-President(s), and SUB Representative shall be held before April 1st each year. The Judicial Council reserves the right to specify dates for hall elections pending the approval of the Hall Presidents Council. In the absence of specified dates, hall election dates may be determined by the Hall Election Coordinator, but must be conducted prior to the final meeting of the current Student Senate, Hall Presidents Council, and Student Union Board.
 - (2) The residence hall Senator, President, and SUB Representative must reside in the residence hall that he or she wishes to represent during the entire term of office. Halls may not have more than one person fulfill any of these positions during a term.
 - (3) Each hall may have up to two Vice-Presidents. If a hall has two Vice-Presidents, they shall serve in different semesters. The Vice-President must reside in the residence hall during the semester in which that Vice-President is serving. Vice-Presidents who split up their terms must run on a ticket together.
 - (4) Each hall shall be responsible for determining the formation of tickets amongst any or all of the elected hall positions.
 - (A) The Judicial Council may require a specific ticket formation for halls opting to use the Judicial Council online voting procedures.
 - (5) Each hall shall be responsible for petitions for candidates and/or tickets.

Section 4. Off-Campus Elections.

- (a) The election shall be held on or before the third full week of April of each year.
- (b) The Off-Campus President and Vice-President and the Off-Campus Senator must reside off-campus during the following academic year. Having a university-provided, on-campus residence during the following academic year disqualifies a person from this office.
- (c) Candidates for Off-Campus President and Vice-President must run on the same ticket. Students may not split tickets when voting.
- (d) Off-Campus Senator and Off-Campus President and Vice-President shall require no petition.
- (e) Students currently living off-campus and students living off-campus during the following academic year are eligible to vote for Off-Campus President and Vice-President and Off-Campus Senator.

Section 5. Election Results.

- (a) To win the election, a candidate/ticket must receive a majority of valid votes cast. There shall be an option for the voter to abstain on the ballot, but a vote to abstain will not count as a valid vote.

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- (1) A run-off shall be held between the two highest vote-getting candidates/tickets if no candidate/ticket received the required total on the first ballot.
 - (2) In the event of a tie in the election of a Senator, Hall President, Hall SUB Representative, or First Year Class Council election, additional run-off elections shall be held in the individual residence hall until a majority is obtained.
 - (3) In the event of a tie in the run-off election for the Student Body President, Student Body Vice-President, or Class Officers, or in the event that neither ticket receives a majority of the valid votes in the run-off election, the ticket/candidate which wins the most amount of Senate constituencies shall win the election.
 - (A) The Senate constituencies shall include and are limited to each undergraduate residence hall, who shall be represented by their respective undergraduate residence hall Senators, and the off-campus residents, who shall be represented by the Off-Campus Senator.
 - (B) The Student Senate shall convene a special meeting for the purpose of observing the Judicial Council President announce the run-off election results from the individual Senate constituencies.
 - (C) The Judicial Council President shall announce the candidate/ticket who received the most votes in each Senate constituency.
 - (D) The Judicial Council shall not release any information regarding the results from the individual Senate constituencies prior to this meeting to any person.
 - (E) If there is a tie between the candidates/tickets in a Senate constituency, the respective Senator shall cast the deciding vote at this special meeting.
 - (F) If there is a tie between the candidates/tickets in a Senate constituency and the Senator is not present, the Senate constituency's vote shall be voided.
 - (G) If the Senate constituencies stand equally divided, the Chairperson of the Senate shall cast the deciding vote.
- (b) In the event that a candidate/ticket in a run-off election forfeits, whether due to choice or by sanction, a re-election will be given to the student body.
- (1) The two top remaining tickets with the highest vote total from the primaries will be introduced in the run-off re-election.
 - (2) The re-election shall take place no later than four days following the forfeiture of the candidate/ticket.
 - (3) The two remaining tickets may receive a nominal increase of \$35 to their spending limit.
- (c) The results of any election will be defined by either the number of votes or percentage of votes each candidate/ticket receives in a specific election. This information, as well as overall voter turnout, must be released according to the specifications below in all primary and run-off elections.
- (1) For any Student Body President/Vice President Election, the results shall be made public to the undergraduate student body.
 - (2) For any Class Council Officers Election, the results shall be made public to the members of that class.
 - (3) For any Hall Election, the results shall be made public to the Rector and Hall Elections Coordinator, if applicable, and may be requested by any member of that hall, and may be released to the full residence hall at the discretion of the Rector and Hall Elections Coordinator.



Rachel Ingal
Student Body President