

Resolution SS1011-10

November 10, 2010

COMMITTEE ON OVERSIGHT
PAIGE BECKER, CHAIR

28-0-1

passed

**A RESOLUTION PROPOSING AN AMENDMENT TO THE
CONSTITUTION OF THE UNDERGRADUATE STUDENT BODY
REVISING ARTICLES ~~XIII~~ and ~~XVI~~
Articles XIII and XVI**

I. Subsection (d) and Subsection (e) of Section 13.2 are hereby repealed.

II. Subsection (d) of Section 13.2 shall now read as follows:

(d) Election Committee

- (1) The Election Committee shall review all allegations of elections misconduct in accordance with section 13.5.
- (2) The Election Committee shall aid the Vice-President of Elections in his or her duties in conducting elections as outlined in Article XVII of this Constitution.
- (3) The Election Committee shall be composed of seven voting members, to be selected before petitions are distributed for elections of Freshman Class Council representatives.
 - (A) The Judicial Council President and Vice-President of Elections shall interview and select undergraduate students for this purpose.
 - (B) The Council of Representatives shall review and approve each of the members.
 - (C) It is the responsibility of the Judicial Council to make the student body aware of interviews for these positions.
- (4) The Election Committee shall include two non-voting members for the purpose of informing the Election Committee on constitutional matters in an impartial manner:
 - (A) The Executive Liaison of the Senate to the Judicial Council
 - (B) The Senate Oversight Chairperson
- (5) The Vice-President of Elections will serve as the chair of the Election Committee.
- (6) Voting members of the Election Committee hold an enumerated position and may not hold any other enumerated position concurrent with their time of service on the Election Committee, in accordance with Section 1.3 of this Constitution.
- (7) Election Committee members may not campaign for any ticket while holding this petition.
- (8) If at any time a member of the Election Committee is unable to give an unbiased judgment regarding an allegation of election misconduct, either by his or her own estimation or the decision of the Committee by majority vote, that member must recuse him or herself from the proceedings of the Committee which regard that particular allegation.

III. Section 13.4 is hereby repealed.

IV. Section 13.4 shall now read as follows:

Section 13.4. Specific Duties.

- (a) The incoming Judicial Council President shall develop, submit, and present a budget proposal for the Judicial Council to the Financial Management Board for the annual allocation meeting.

- (b) The responsibilities of the Election Committee and the Judicial Council Vice-President of Elections include, but are not limited to, the administration of the functional aspects of elections, including ballot distribution, debates, propaganda and overseas (abroad) voting.
- (c) The Hall Elections Coordinators are responsible for distributing election information and guidelines to the Hall Councils, monitoring voting sites, and administering awareness for the rules of elections within their Hall.
- (d) The Executive Liaison of the Senate to the Judicial Council will inform the Senate on election matters discussed within Judicial Council and inform the Judicial Council on election matters discussed within Senate to ensure communication between the two groups.

V. Section 13.5 is hereby repealed.

VI. Section 13.5 shall now read as follows:

Section 13.5. Hearings.

- (a) 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.
- (b) If the Vice-President of Elections determines that the allegation has merit and may result in a potential sanction of a candidate or ticket, he/she must then call together the members of the Election Committee to review the allegation.
 - (1) The Vice-President will present the allegation.
 - (2) The accused party and the accusing party will both be permitted to speak and to call witnesses on their behalf.
 - (3) Where not outlined in the Constitution or its bylaws, the hearing shall follow the procedures outlined in *Robert's Rules of Order Newly Revised*.
- (c) The Election Committee will then meet in a private forum for discussion and debate.
 - (1) The Election Committee must obtain a 2/3 quorum.
 - (2) The Election Committee will decide whether the campaign/candidate/ticket in question is in violation of election or campaign rules.
 - (3) If a violation has occurred, the Election Committee shall determine appropriate sanctions and/or penalties.
 - (4) Both decisions require a majority vote of the Election Committee. In the event of a tie, the chair will vote.
- (d) All verdicts, motions, votes, and decisions are to be recorded by the Election Committee for the purposes of notification and appeals.
- (e) The Vice-President shall issue a written decision on behalf of the Judicial Council to be released to campus media.
- (f) The allegation review and hearing process must be completed within 72 hours of the report of the allegation.
- (g) No new allegations will be reviewed and/or heard for any reason later than two days following the date of the election.
- (h) In the event that the full Election Committee has not yet been assembled at the time of an allegation, the Judicial Council President and Vice-President of Elections shall issue a decision and appropriate sanctions based on their judgment of the facts of the allegation.
- (i) A sanctioned campaign/candidate/ticket may appeal directly to the Senate. Appeals of the decision of the Election Committee must be filed within 24 hours of the hearing.
- (j) If the Senate overturns the decision of the Election Committee, the Committee must reconvene within 24 hours to reconsider the allegation in light of the Senate's decision. This decision of the

Election Committee, which must be informed by the written report of the Senate and may not be identical to the original decision, is final.

VII. Section 6.8 is hereby repealed.

VIII. Section 6.8 shall now read as follows:

Section 6.8 Election Appeals

- (a) In the event of an appeal of an Election Committee decision, in accordance with Article XVII, the Senate shall convene within 48 hours to hear the appeal.
- (b) All appeals must be filed within 24 hours of the hearing.
- (c) Until such time as Senate can hear the appeal, the decision of the Election Committee shall stand.
- (d) The meeting of the Senate once the appeal has been filed shall proceed as follows:
 - (1) The Election Committee of the Judicial Council shall be represented by the Judicial Council President or the Vice-President of Elections, who shall speak first to the Senate, stating the allegation made against the candidate(s), the Election Committee's deliberations, and the sanction given. This shall take no more than five minutes.
 - (2) The candidate(s) shall then state his or her reason for appeal. This shall take no more than five minutes.
 - (3) After hearing initially from the Judicial Council and the candidate(s), the Senate must decide by a two-thirds vote that there are grounds to hear the appeal.
 - (4) If the Senate decides to hear the appeal, time shall be allowed for both sides to respond to the claims of the other and to call witnesses on their behalf.
 - (5) The Senate may ask relevant questions of either party, or request the presence of any other relevant third-person(s) for questioning.
- (e) The Senate may force the Election Committee to reconvene within 24 hours for the purpose of reconsidering its decision by a three-fourths vote.
- (f) The Senate shall issue a brief explanation of its decision in writing to the Judicial Council via the Executive Liaison.
- (g) If quorum cannot be reached to hear the appeal, or a decision is not reached during the convened meeting, the decision of the Election Committee shall stand.

IX. This act shall take effect pursuant to Section 1.4 of the Constitution of the Undergraduate Student Body.

