

Resolution SS1011-11
COMMITTEE ON OVERSIGHT
PAIGE BECKER, CHAIR

December 1, 2010

A RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNDERGRADUATE STUDENT BODY REVISING ARTICLES VI, XIII, AND XVII

I. Subsection (m) of Section 6.3 is hereby repealed.

II. Subsection (m) of Section 6.3 shall now read as follows:

(m) The Senate shall appoint an Executive Liaison to serve as a non-voting member of the Judicial Council Election Committee. The Liaison shall inform the Senate on matters discussed within Judicial Council and vice-versa, with the exception of any confidential information, as defined in Section 13.5, Subsection (e). The Liaison's responsibilities include notifying the Senate of any and all allegations brought to hearing, briefing the Senate on the process of a hearing in the event of an appeal, informing Judicial Council of a change in implementation of the sanctions, and relaying the progress of elections.

III. Paragraph (1) of Subsection (d) of Section 13.2 is hereby repealed.

IV. Paragraph (1) shall now read as follows:

(1) The Election Committee shall review all allegations of potential elections misconduct and all potential violations of elections regulations in accordance with section 13.5.

V. Subsection (i) of Section 13.5 is hereby repealed.

VI. Subsection (i) shall now read as follows:

(i) Any decision of the Election Committee may be appealed directly to the Senate. Appeals of the decision of the Election Committee must be filed within 24 hours of the hearing.

VII. Subsection (e) of Section 13.5 is hereby repealed.

VIII. Subsection (e) shall read as follows:

(e) Any time the Election Committee finds a candidate/ticket in violation of the elections regulations or guilty of misconduct, the Vice-President shall issue a written decision on behalf of the Judicial Council to be released to the campus media, which shall include the violation and the sanction given. All other information pertaining to hearings and appeals shall be considered confidential.

IX. Subsection (a) of Section 17.1 is hereby repealed.

X. Subsection (a) shall now read as follows:

(a) Any Notre Dame undergraduate student in good standing with the University's registrar is eligible for candidacy. Good academic standing will be determined by the First Year of Studies Program for freshmen and by the Office of the Registrar for all other candidates.

XI. A subsection, to be designated Subsection (b), shall be inserted into Section 17.1 after Subsection (a). All following subsections in Section 17.1 shall be re-named to follow alphabetical order.

XII. Subsection (b) shall now read as follows:

(b) A candidate or ticket shall be defined as any undergraduate student(s) with the intent of seeking office who are therefore subject to elections regulations.

XIII. Subsection (h) of Section 17.1 is hereby repealed.

XIV. Subsection (h) of Section 17.1 shall now read as follows:

(h) Candidates are expected to behave ethically at all times. Unethical behavior will be penalized by the Election Committee of Judicial Council. Examples of unethical behavior include monopolization of limited bulletin board space, covering or defaming of any other candidates' posters, insulting or defaming other candidates, and harassment or misconduct toward any election officials. Penalty for misconduct may result in forfeiture of candidacy.

XV. Subsection (i) of Section 17.1 is hereby repealed.

XVI. Subsection (i) of Section 17.1 shall now read as follows:

(i) 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. If the election is held online, no candidates/tickets may provide a link to the polling web site. Only Judicial Council may provide a link to the polling web site.

XVII. Subsection (m) of Section 17.1 is hereby repealed.

XVIII. Subsection (m) of Section 17.1 shall now read as follows:

(m) 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.

(1) The Judicial Council shall then conduct a review of the allegation as outlined in Article XIII and follow appropriate procedures.

(2) 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.

(3) In any dispute over the Election Committee's interpretation of these rules, any interpretation may be appealed to the Student Senate.

(4) The penalty imposed by the Election Committee shall stand until such time as the Senate hears the appeal.

XIX. A subsection, to be designated Subsection (o), shall be inserted into Section 17.1 after Subsection (n).

XX. Subsection (o) of Section 17.1 shall now read as follows:

(o) For the purpose of petitions, a signature shall be defined as the mark of an undergraduate student to signify approval of a candidate or ticket's placement on the ballot.

XXI. Subsection (g) of Section 17.2 is hereby repealed.

XXII. Subsection (g) of Section 17.2 shall now read as follows:

(g) 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. Copies of all campaign materials must be submitted to the Election Committee and stamped for approval by the Vice President of Elections before posting. A violator's punishment is up to the discretion of the Election Committee.

XXIII. Subsection (h) of Section 17.2 is hereby repealed.

XXIV. Subsection (h) of Section 17.2 shall now read as follows:

(h) Campaign websites

(1) Candidates may construct campaign websites on the Internet. Groups or pages formed on social networking sites for the purpose of campaigning will be considered a campaign website. Campaign material on any online media is subject to the same regulations as a campaign website.

(A) The web addresses of such pages must be submitted to the Election Committee at any of the designated campaign material approval times.

(B) After Judicial Council publishes links for a particular election, no additional links will be added.

(C) The Election Committee must approve all websites.

(D) All pages will be monitored by the Judicial Council during the time allotted for campaigning for decency and appropriateness.

(2) Prior to the elections, Judicial Council will send one e-mail to the undergraduate student body with a link to the Judicial Council's elections website, which shall contain, but not be limited to, the following:

(A) links to candidates' websites

(B) times, dates, locations, and participants in debates (upon availability)

(C) rules and regulations for elections

(D) posted times, dates and locations of ballot stations

(E) contact information for the Judicial Council

XXV. Subsection (i) of Section 17.2 is hereby repealed.

XXVI. Subsection (i) of Section 17.2 shall now read as follows:

(i) 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.
- (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.

XXVII. Subsection (a) of Section 17.5 is hereby repealed.

XXVIII. Subsection (a) of Section 17.5 shall now read as follows:

- (a) To win the election, a candidate/ticket must receive a majority of the valid votes cast.
- (1) A run-off shall be held between the two highest vote-getting candidates/tickets if no candidate/ticket receives 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 Freshman Class Council election, additional run-off elections shall be held in the individual residence hall until a majority is obtained.
 - (3) In a run-off election for the Student Body President and Vice-President, Class Officers, Off-Campus President, or Off-Campus Senator, 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.
 - (4) In the event of a tie in the run-off election for the Student Body President, Student Body Vice-President, Class Officers, Off-Campus President, or Off-Campus Senator, the ticket/candidate which wins the most amount of Senate constituencies shall win the election.
 - (A) 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.
 - (B) The Judicial Council President shall announce the candidate/ticket who received the most votes in each Senate constituency.
 - (C) The Judicial Council shall not release any information regarding the results from the individual Senate constituencies prior to this meeting to any person.
 - (D) 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.
 - (E) 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.
 - (F) If the Senate constituencies stand equally divided, the Chairman of the Senate shall cast the deciding vote.
 - (5) Candidates have the right to request a recount in all elections, but as a matter of procedure the Election Committee will recount all elections decided by less than twenty-five votes.

XXIX. A subsection, to be designated Subsection (c), shall be inserted into Section 17.5 after Subsection (b).

XXX. Subsection (c) shall read as follows:

- (c) In the event that there are no qualified candidates for a position or office, that position or office shall go unfilled.

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