

# ELECTION BOARD BYLAWS

(As Revised September 17, 2009)

(As Revised March 14<sup>th</sup>, 2005)

(As Amended on December 8<sup>th</sup>, 2005)

(As Amended on September 19<sup>th</sup>, 2006 and January 31<sup>st</sup>, 2007)

The Undergraduate Student Government (USG) establishes the Elections Board of the USG at Stony Brook University to ensure a free, fair, open and democratic process unencumbered by the unreasonable interference in the Elections by the USG. The right to vote and to speak freely, being an unalienable right retained under law by all students, shall be protected by the Elections Board so as to enshrine their liberty for posterity and to further empower the student body as a whole to participate in the electoral process.

## **Article I Name.**

The agency shall be known as the Elections Board of the USG.

## **Article II Membership.**

### **Section 1 Size and Appointments.**

The Elections Board shall be composed of no less than three (3) and no more than fifteen (15) members of the USG. Candidates may be nominated by any member of the Elections Board, Executive Council or Senate and must be confirmed by a majority of the filled seats of the Senate.

### **Section 2 Qualifications and Terms of Office.**

Members of the Elections Board must maintain a 2.5 GPA and be a full time undergraduate student to serve on the Elections Board. Elections Board members shall be appointed for 4 year terms or until graduation from the university. No member of the Elections Board may be a current member of USG Senate, Executive Council or Judiciary or be a candidate for any such office. Failure to meet any of the qualifications of office or by initiating the candidacy process by submitting a platform, collecting petition signatures, submitting campaign material, fliering, posting or other Electioneering as a candidate results in automatic loss of Elections Board member status.

### **Section 3 Vacancies.**

Any vacancies on the Elections Board must be posted on the USG website within the first three (3) weeks of the beginning of the fall or spring semesters. If the size of the Elections Board falls below five (5) members at any time, the Chair of the Elections Board and Vice President of Communications must actively and aggressively begin recruiting members to the board within two (2) weeks of becoming aware of such a situation.

### **Section 4 Parliamentarian.**

The Parliamentarian of the USG shall also serve as the Parliamentarian for the Elections Board.

## **Section 5 Meetings**

The Elections Board must meet at least one a month during the spring and fall semesters and at the first meeting of the fall semester shall appoint a Chair and a Vice Chair. The first meeting of the fall semester shall take place no later than September 20<sup>th</sup>. The Vice Chair may not assume any other roll of the Elections Board Chair aside from chairing meetings during the absence of the Chair.

## **Article III Duties of the Elections Board.**

### **Section 1 The Elections Board Chair.**

A. Present the Elections Board's decision on an Elections schedule to the Executive Council and the Senate for their mutual approval no later than four (4) weeks after the first day of classes for the Fall semester and no later than four (4) weeks after the first day of classes for the Spring semester. If such a schedule is not presented to the Executive Council and the Senate by five (5) weeks after the first class day, the Senate may set an Elections schedule. If the Senate fails to set an Elections schedule by six (6) weeks after the first class day, the Executive Council may set an Elections schedule.

B. Reserve the meeting (and other) rooms needed for the Elections Board Meetings and other Elections related functions (debates, candidates meetings, etc.).

C. Give a written list of responsibilities to the Elections Board members.

D. Publish the approved Elections Board calendar/schedule with the important dates relating to the Elections (meetings, petitioning, campaigning, debates, etc.).

E. Make a tentative budget for the upcoming Elections. Set up and attend a meeting with the USG Executive Secretary to confirm the eligibility of the students signing a nominating petition.

F. Be ultimately responsible for ensuring that all Elections conform to the requirements of these Bylaws.

### **Section 2 The Elections Board.**

A. The Elections Board is responsible for organizing and sponsoring a debate between candidates for all positions during the campaign period.

B. The Elections Board shall vote by a simple majority of filled seats on an Elections schedule subject to the following Petition Dates –

1. If petitions are required in order to have a person's name on the ballot, the petition period for the Spring shall commence no earlier than February 10<sup>th</sup>, and shall end no later than April 10<sup>th</sup>.

2. If petitions are required in order to have a person's name on the ballot, the petition period for the fall shall commence no later than September 20<sup>th</sup>, and shall end no earlier than September 30<sup>th</sup>.

C. The Elections Board shall vote by a simple majority of filled seats on an Elections schedule subject to the following Elections Dates –

1. The Fall Elections shall be scheduled to end no later than October 20th.
2. The Spring Elections shall be scheduled to end no later than May 1st.

**Section 3 Office Hours.**

At least one member of the Elections Board must be available for a minimum of at least ten (10) office hours per week during the campaign period. In addition, a member of the Elections board must be available for a minimum of one (1) office hour on every class day during the campaign period. All Elections Board Members must serve at least 5 hours total during the campaigning period and said office hours shall be determined at the meetings of the Elections Board. Office hours shall be posted on the door of the Elections Board Office.

**Article IV Publicity and Advertising.**

**Section 1 Elections and Petition Process.**

The Elections Board is responsible for ensuring proper publicity for the Elections and the petitioning process.

**Section 2 Advertisements.**

The Elections Board must make a good faith effort to advertise the elections process prior to its onset to students on campus and post all necessary elections information on the USG website. Elections board members must reply within seventy-two (72) hours of receiving a question.

**Article V Petitioning Process.**

**Section 1 Requirements.**

A. Any student who wishes to be on the ballot for a position must pick up a petition during the posted office hours of the USG from either the USG Office Administrator or the Elections Board Chair.

B. To receive a petition, the student must submit a platform for that position, a copy of their unofficial transcript for GPA validation and be eligible for the position being sought.

C. A platform must be attached to each sheet of the petitioning form.

D. Petitions may be signed by any currently matriculated undergraduate student and must include, the name, signature, Stony Brook Net ID and telephone number of each student signing the petition.

E. Platforms may be distributed during the petition process by candidates and any campaign staff, in addition to any other candidate information to be disseminated.

F. An electronic copy of the platform statement must be sent via email or be given in by portable medium (disk, flash drive) to the Elections Board before the end of the petitioning period to be included on the ballot.

**Section 2 Required Signatures for Candidacy.**

A. The number of signatures needed to be a candidate for each position is determined by the following requirements:

1. President, Vice Presidents, Treasurer – 400 Signatures.
2. Freshman Representative – 100 Signatures.
3. Sophomore Representative – 100 Signatures.
4. Junior Representative – 100 Signatures.
5. Senior Representative – 100 Signatures.
6. Senator – 100 Signatures.

**Section 3      Petitioning Period.**

Petitioning shall be open for at least ten (10) class days, and no more than thirty (30) class days.

**Section 4      Removal from the Elections Board.**

A. Any member of the Elections Board may be removed for improperly, unjustly or otherwise not or refusing to do required tasks by two thirds (2/3) vote of the Elections Board and two thirds (2/3) vote by the Senate.

B. An Elections Board officer may not be removed on the basis of political opinion, creed, sex, race, color, religion, and/or sexual orientation.

**Article VI      Validation of Petitions.**

**Section 1      Candidate Notification Deadline.**

The Elections Board shall notify a candidate within at most four (4) days of a petition being handed in as to whether their petition is valid. If it is invalid and there the petitioning period has not ended, then the candidate may continue to collect additional signatures for resubmission by the deadline.

**Section 2      Validation Deadline.**

The Elections Board shall validate all positions and post in the officially designated posting board pursuant to Open Meetings Law a list of candidates and their preferred contact information within two (2) class days of the petitioning deadline. A voter's guide, including the candidate's names and platforms shall be made available within ten (10) days on the Elections Board website and at the USG suite.

**Section 3      Validation Requirements.**

A. To validate a petition, the Board or the USG Executive Secretary shall check that the petition has the required number of valid signatures for that position. A proper telephone number and a valid Stony Brook Net ID number must accompany each name and signature.

B. A signature is considered valid if all of the following conditions are satisfied:

1. The name is written legibly.
2. The name matches the telephone #.
3. The student is a currently matriculated undergraduate student.

The Elections Board will validate a petition by verifying five-percent (5%)

of student Net ID numbers or the telephone numbers provided to ensure that the person involved signed the relevant petition. If any of the signatures selected for verification are considered invalid then all of the signatures may be verified to determined if there are enough valid signatures to validate their candidacy.

C. All validated petitions shall be kept on file in a secure place by the USG Executive Secretary. Petitions are not to leave the USG Suite.

#### **Section 4 Validated Petitions.**

Copies of petitions shall be made available for inspection by any student immediately following validation.

### **Article VII Candidacy.**

#### **Section I Requirements.**

A. In order for a student's name to appear on the ballot, (s)he must be a validated candidate.

B. In order to be a validated candidate the student must:

1. Have submitted a petition that was approved as valid by the Elections Board.
2. Candidates for the Office of President, Executive Vice President and Treasurer must be a sophomore or higher class standing before placement on the ballot. Candidates for all other positions on the Executive Council (except Class Representatives) can be from any class; to be placed on the ballot, Class Representatives must be a member of the class preceding that which they wish to represent (Article III, Section 1. B. of the USG Constitution).
3. When (s)he would take office, be a member of the constituency (s)he would represent (for Representative positions only).
4. Meet all the requirements of Article III, Section I.B. for Executive Council position and Article IV, Section 1. B. 3, 4 and 5 of the USG Constitution for Senate positions, including the GPA requirements.
5. Complete the leadership workshops as specified in Article III, Section 1. C. 1. a.

C. A student may not be a candidate for more than one position (except for USSA, Student Assembly and Stony Brook Council positions).

D. The Board shall forward to the USG C & D Agent a list of all candidates after the end of the petitioning period.

#### **Section 2 Mandatory Candidate and Referenda Group Meeting.**

A. The Elections Board must hold a meeting with all prospective candidates and referenda groups before petitioning ends. No one may become a candidate without attending this meeting. This meeting will include a sign-up sheet for a mandatory workshop with candidates and current position holders.

B. Candidates who cannot make it to the meeting specified in Article VII, Section 2. A. of these Bylaws, or who show up to the meeting late, will not be considered as candidates unless they have a valid reason. The validity of an

absence of lateness for this meeting will be determined by the Elections Board based on a written statement by the candidate stating why (s)he missed the meeting or why they were late.

**Section 3 Candidate Agreement Form.**

Candidates must fill out and sign the candidate agreement form.

**Article VIII Campaigning Rights and Restrictions.**

**Section I Campaign Finance.**

A. To help subsidize campaign costs, each candidate shall have the right to a budget according to the following guidelines:

1. President, Vice Presidents, Treasurer — \$65
2. Freshman Representative — \$40
3. Sophomore Representative — \$40
4. Junior Representative — \$40
5. Senior Representative — \$40
6. Senator — \$40

B. No candidate shall be denied the right to take independent donations, or to make expenditures.

**Section 2 Accounting.**

A. All candidates must submit an accurate statement to the Elections Board Chair of all their donations and expenditures within two weeks following the election. This statement shall be public information.

B. All candidates must submit receipts (if applicable) to the Elections Board Chair to account for their campaign donations and expenditures.

**Section 3 Campaigning.**

A. No candidate, referenda group, club, organization, party coalition, or student shall be denied the right to freedom of speech, or of the press; or of the right to peaceably assemble campaign supporters and volunteers, and to petition the USG for a redress of grievances in accordance with established grievance policies.

B. A candidate shall not have a campaign expenditure limitation nor any poster or flyer limitation.

C. A poster is any campaign sign, which is to be hung up, or posted. A flyer is any campaign sign, which is to be handed out, placed under doors, etc.

D. The Elections Board must keep one (1) copy or sample of all official candidate and referendum group campaign materials that are to be distributed on campus. Candidates must submit these materials prior to distribution and may distribute said campaign materials immediately following submitting them to the elections board.

E. All official campaign posters/flyers must bear the date of the Elections in which the candidate is running.

F. All official campaign posters/flyers must state the name of the campaign or group which the flyer was paid for by.

G. There shall be no stapling onto any trees, chalking or writing on buildings, paths or walkways, or any defacing of University property.

H. Any costs incurred by the University in cleaning up any candidate campaign materials shall be billed to the candidate provided that there is clear evidence that the candidate or campaign was responsible for the mess. Candidates wishing to be on a collective or party ticket shall be responsible for their proportion of the damages.

I. Online campaigning via Facebook or other networking sites shall not contain libelous statements available for viewing by any elections board member upon request.

J. Electioneering within a one-hundred (75) foot radius of a SINC Site or Elections Board sanctioned polling station is expressly forbidden. Electioneering is defined as the advocacy in written, oral or other fashion for or against a candidate for office or for a referendum item while an Election for that office or that referendum item is in progress.

#### **Section 4 Violation of Bylaws.**

1. Any campaigning violations shall first be subject to a written warning by the Elections Board ordering them to stop said violation immediately.

2. If the Elections Board has already issued a warning to said student and that student has not corrected their campaigning behavior within 10 hours of receiving said warning, then they face disciplinary action by the Judiciary, including possible disqualification.

3. If violations that are related to the election itself are discovered and/or committed after disqualification is feasible, certain violations of these bylaws may be treated as grounds for impeachment during the USG officers' terms of service.

A. Any impeachment proceedings require proof beyond a reasonable doubt that a candidate himself was responsible, or an action was taken under his or her explicit direction.

B. All such cases must have a preliminary ruling by the Judicial branch as to whether the offense alleged is impeachable under the provisions of this section before any impeachment proceedings may go forward.

C. The follow actions taken during election are grounds for impeachment:

a. Falsifying Election results by any means.

b. Attempts to influence voters in ways that are independently illegal

under USG or New York State law.

c. Illegal appropriation of resources for use during campaign, including but not limited to, usage of USG resources beyond what is allowed under law and stolen resources.

d. Libel.

### **Article IX Polling.**

#### **Section 1 Schedule.**

1. Elections shall be held over one (1) class week (Monday through Friday). Runoff Elections shall be held for no less than two (2) days, and no more than five (5) days.

2. If for any reason, the results of an Election are invalidated, a second period of polling shall be held with the first set aside. This period shall be considered a continuation of the Election under USG law, not a new Election and must occur at the first legal class week.

## **Article X Voting.**

### **Section 1 Electors**

Only members of the USG may vote.

### **Section 2 Electronic Voting**

A. If voting takes place on any electronic format including but not limited to the Solar System, the placement of candidates' names on the ballot shall be either rotated or randomized for every vote cast by a student if such a capability is technically practicable by Elections service provider.

B. All electronic voting must be conducted with an agency not affiliated with the USG or any candidates. The results must be emailed to the USG Executive Director and all members of the Elections Board when voting has finished.

C. In the event that the polls close prematurely during the elections week within 24 hours of the closing of the polls, then the voting shall be continued during a 24 hour period the following week. This day shall be advertised by the elections board as much as possible.

D. In the event that the polls are closed prematurely during the elections week and are reopened within 24 hours of the closing of the polls, then the election shall be consider valid.

E. If the polls open late, but are up and running within 48 hours of the start of the election then the election shall be considered valid.

F. If the polls open late, but are not up and running with 48 hours of the start of the election then the election shall be considered invalid and shall be repeated the following week.

### **Section 3 Platform Statement**

The platform statement of the candidate shall be linked to the candidate's name on the electronic ballot. A candidate may, if (s)he wishes, indicate on his/her platform statement if (s)he is an incumbent seeking re-election, along with any applicable information on the candidate's participation in a party ticket, as well as any club endorsements.

### **Section 4 Runoffs**

A. The Elections Board shall schedule the runoff within five (5) days after the initial Elections results are announced.

B. In the event of a runoff for an office, the Elections Board shall provide the same Elections procedures as were used in the original Elections.

C. In the event of a runoff for any campus-wide elected position, publicity shall be done as in the original Elections

## **Section 5      Winners**

A. When only two (2) candidates are listed on a printed ballot category, a clear winner will be defined as the candidate receiving the most votes. A runoff Election would occur only in the case of a tie.

B. Members of the Executive Council are elected by a simple majority of votes cast for that position. If no one candidate has a simple majority, a runoff Election will be held within ten (10) days of when the results of the Elections are certified and announced. The runoff Elections will be between the top two (2) candidates provided that they have received at least ten percent (10%) of the votes cast. If no one (1) candidate has received more than ten percent (10%) of the votes cast, there will be a second Election within ten (10) days of when the results of the Elections are certified and announced. In the event of a second Election, the candidate who receives the most votes of ballots cast for that position will be elected.

C. A runoff Election shall have two (2) and only two (2) candidates for each position.

## **Article XI      Judicial Remedy.**

If any party is denied the rights articulated herein, the offended party may take this offense to the Judiciary for appropriate review and/or action.

## **Article XII      Elections Results.**

Upon completion of vote counting, the Elections Board shall post the tallies for each position and a list of winners on the USG website and outside of the USG offices. Additionally, the Elections Board will contact all winners within twenty-four (24) hours of being posted.

## **Article XIII Parliamentary Authority.**

### **Section 1      Reference**

The main authority on Parliamentary procedure shall be the latest edition of Robert's Rules of Order newly revised.

### **Section 2      Decisions**

The Chair of the Elections Board shall make decisions on parliamentary order as the need arises. However, should a dispute on parliamentary procedure arise, the Parliamentarian of the USG, being selected in accordance to the Constitution of the USG, shall make a final and binding decision on the matter.

## **Article XIV      Referendum Items.**

### **Section 1**

Rules governing referenda are specified in Article IX of the USG Constitution and must be adhered to.

**Section 2**

A referendum campaign shall not be subsidized by USG nor shall it have a campaign expenditure limitation, or a poster limitation.

**Section 3**

All official referendum campaign posters/flyers must bear the date of the Elections in which the referendum is to be voted on.

**Section 4**

No referendum campaign shall staple anything onto trees, or chalk or write on buildings, walkways or paths.

**Section 5**

Any costs incurred by the University in cleaning up a referendum campaign's materials shall be billed to the referendum campaign, including writing or chalking on buildings, walkways or paths provided that there is clear evidence that the group was responsible for the mess.

**Section 6**

Any referendum campaign that violates this Article may face disciplinary action by the Judiciary.

**Section 7**

A referendum campaign shall be defined as any organization(s) and/or group(s) that supports any referendum items.

**Section 8**

A representative of a referendum group must attend the mandatory candidates and referendum group meeting. If the representative does not appear at this meeting, the group's referendum will not be placed on the ballot.

**Article XV Amendments.**

These Bylaws may be amended by a majority vote of the filled seats of the Senate and by a two-thirds (2/3) majority vote of the filled seats of the Executive Council provided that notice and proposed change(s) are submitted to the Elections Board members at least one (1) week in advance of the votes.

**Article XVI Emergency Constitutional Referendum.**

**Section 1**

Referenda for all proposed Constitutional Amendments pursuant to Article XI of the USG Constitution may occur immediately following the petition of one-third of the USG or a two-thirds vote of the filled seats of the Executive Council and a two-thirds vote of the filled seats of the Senate.

**Section 2**

Such referenda, if it is not to be voted upon at the annual Spring elections, it must be indicated either on the petition or when it comes up for the votes in both the Executive Council and the Senate that it is to be voted upon immediately by the membership of the USG.

**Section 3**

Emergency constitutional referenda shall be placed on the ballot no later than two (2) weeks after the required petition being handed in or being affirmatively voted upon by the Executive Council and the Senate.

## **Article XVI Party Coalitions and Tickets.**

### **Section 1**

No club or organization recognized by the USG or student shall be denied the right to form and manage party coalitions. All clubs participating in a coalition shall be recognized by the Elections Board as a party ticket, and shall reserve the right to endorse candidates that appear on the ballot in accordance with the rules governing the coalition. Membership in a coalition shall be determined by both the consent of participating clubs and the ticket, and the applicable governing documents of the coalition.

### **Section 2**

Forms for creating recognized party coalitions shall be provided at the Elections Board office. All party tickets must provide a name for their coalition to the Elections Board, along with any relevant website information, and governing documents. Party coalitions that do not fill out the form provided by the Elections Board shall not be recognized.

### **Section 3**

No student shall be denied the right to join a party coalition.

### **Section 4**

No club, organization, or party coalition recognized by the USG shall be denied the right to make endorsements of candidates provided that the candidate consents to the endorsement. These endorsements may be included on the club or coalition's publicity.

### **Section 5**

No funds appropriated by the USG on behalf of any club or organization may be utilized for the purpose of making campaign donations to candidates, nor shall any funds appropriated by the USG on behalf of a club or organization be used for campaign fliering or printing publications pertaining to the Elections unless supporting candidates for office, making candidate endorsements, or reporting on the outcome of the Elections is a specifically enumerated or implied purpose of the club or organization recognized.

### **Section 6**

If a candidate wishes to have his/her name appear on a ticket or with any club endorsements, this must be indicated on the candidate's platform, and approved by the coalition. All such endorsements shall be public information.

### **Section 7**

All party coalitions shall appear on the Elections Board website no later than two (2) weeks after submitting their forms.

**Section 8**

Indication on the Elections Board website of a party coalition shall be limited to listing any participating clubs and the URL of the ticket's website if applicable, and the preferred contact information of the party chairperson should (s)he wish to that information to be public.

**Section 9**

No agency or branch of the USG shall join any party coalition or ticket nor endorse any candidates.