

University of Kentucky Student Government Constitution

PREAMBLE

Pursuant to University of Kentucky Governing Regulations, Part XI, Section A, et. seq. as amended 1-14-98, the University of Kentucky Student Government Association is hereinafter recognized as the official student government by the Board of Trustees, the University Administration, and the University Senate.

Section 1. Purpose

This constitution creates the University of Kentucky Student Government Association whose purpose shall be to increase student influence over academic policy; to provide necessary student services; to protect and expand student substantive and procedural rights; and to better represent the student body in relations with the faculty, administration, Board of Trustees, and the Commonwealth of Kentucky. The Student Government Association represents all undergraduate, graduate, and professional students enrolled at the University of Kentucky and Lexington Community College.

Section 2. Supremacy

This Constitution shall be the supreme law of the Student Government Association and all policies, pronouncements, rulings and enactment of the Association shall be subordinate to it, subject to the U.S. Constitution, the Kentucky State Constitution, federal, state and local laws.

Section 3. Members

All students enrolled at the University of Kentucky - Lexington Campus, the Lexington Community College and the Medical Center Campus shall be members of the Student Government Association of the University of Kentucky.

ARTICLE I. LEGISLATIVE BRANCH

This Constitution creates a Student Senate, which shall be the legislative authority exercise the legislative power of the Student Government Association.

Section 1. Powers and Duties

- A. The Student Senate shall have the power and responsibility to:
 1. Approve the Student Government Association budget.
 2. Appropriate funds.
 3. Enact Student Government Association policy.

4. Approve the nominations of all appointed Executive Officers, Election Board members, and Supreme Court Justices.
 5. Internally elect the following officers:
 - a. Chairperson of the Senate: This shall be a Senator, nominated within and elected by the Student Senate, who shall preside at all meetings. The Senate Chairperson shall expressly retain his voting privileges at all meetings.
 - b. Senate Coordinator: This shall be a Senator, nominated within and elected by the Student Senate, who shall insure the actions of all Senate committees on referred legislation, review the academic status of all elected Student government Officials and schedule and inform Senators of all Senate Meetings.
 6. Internally elect the Interim Senate
 7. Execute all other powers or responsibilities delegated or assigned to the body by this
 8. Constitution or by any University authority.
 9. Exercise all powers necessary and proper for carrying into execution the foregoing powers.
- B. The Student Senate may, by a two-thirds majority, adopt or amend internal legislative procedures, in the form of Senate Procedural Bylaws, consistent with this Constitution, at a meeting of the Senate where quorum is present. Such action is not subject to veto. Newly adopted or amended Bylaws shall be effective immediately upon passage.
- C. The Student Senate may override a presidential veto of legislation by a two-thirds (2/3) vote at the next Senate meeting where quorum is present following the date the veto takes effect.
- D. The parliamentary authority governing the conduct of business on the floor of the Senate shall be the most recent edition of Robert's Rules of Order, except where it conflicts with this Constitution or Senate Procedural Bylaws.
- E. Any enactment or exercise of power which conflicts with this Constitution and or which introduces conflict into any of these Articles, shall be considered void.

Section 3. Membership

- A. One College Senator from each college, fifteen Senators at-large, four Freshman Senators, and two Lexington Community College Senators shall comprise the Student Senate.
- B. In order to serve as Senator at-large, a student must be enrolled at the University of Kentucky-Lexington Campus, Lexington Community College, or the Medical Center for one semester prior to and during the time of office, and must not be on academic or disciplinary probation, and have a cumulative grade point average of 2.0 since enrolling at the University of Kentucky.
- C. In order to serve as a College Senator, a student must be enrolled in that college and have a cumulative grade point average of 2.0 since enrolling at the University of Kentucky. These Senators

also serve as student members of the University Senate and are subject to the Rules of the University Senate.

- D. In order to serve as a Freshman Senator, a student must be a Freshman at the University of Kentucky in credit hours at the time of his/her election, and must not be on academic or disciplinary probation. Any college credit earned during high school enrollment shall not be considered.
- E. In order to serve as a Lexington Community College Senator, the majority of hours in which a student is enrolled in the University of Kentucky system must be at Lexington Community College during his/her term of office, must not be on academic or disciplinary probation at LCC, and have a grade point average of 2.0 since enrolling at Lexington Community College.
- F. The Senate Coordinator, shall before the first Senate meeting of each semester, shall request a review of the academic status of all elected Student Government officials. In the event that any member does not meet the academic requirements specified in this Constitution, his or her position shall immediately be declared vacant.
- G. In order to serve as a Student Government Association Senator at the University of Kentucky, one may be a full-time or part-time student.

Section 4. Term of Office

- A. All Senators shall serve from the day they are sworn into office by the Chief Justice of the Student Government Association Supreme Court or his designee Associate Justice until the swearing in of the next Senate. The term of any Senator who resigns or who is removed by procedures established within this Constitution shall end immediately.
- B. Should a vacancy occur within the Student Senate, the runner-up in the preceding election for that position shall assume the powers, duties, and office of Student Senator for the remainder of that term, provided that he meets the qualifications of a Senator established in this Constitution. If no such person exists, or if the runner-up refuses to fill in the vacancy, the Chairperson of the Senate appoint the new Senator, subject to approval by a majority vote of the remaining Senate.

Section 5. Senate Accountability

- A. A Senator may be removed from office by a two-thirds vote of Senators present at two consecutive meetings of the Student Senate. Such votes are not subject to veto.
- B. The Chairperson of the Senate and Senate Coordinator may be removed from their position by motion for removal followed a majority vote of the Senators at a regularly scheduled Senate Meeting. An affirmative vote will not affect his status as a Senator. The motion will not be valid unless preceded by a seven-day notice to the Senate.

- C. A Senator may also be removed for failure to follow the attendance policy set forth in this Constitution.

Section 6. Standing Committees

- A. There shall be three standing committees of the Senate: The Committee on Committees; the Committee on Appropriations and Revenue; and the Committee on Operations and Evaluation.
- B. The Committee on Committees: The Committee on Committees shall consist of the Vice-President, who shall serve as a non-voting chairperson; the Chairperson of the Senate; the Senate Coordinator, who shall serve as secretary; and one Member at-Large. It will:
 - 1. Review legislation for proper form and sponsorship.
 - 2. Meet before each committee meeting to assign all bills to standing committees.
 - 3. Have power to grant emergency status to bills.
 - 4. Be responsible for assigning all other committee memberships, subject to the consent of the Senate, and shall appoint all special committees as needed.
 - 5. Rule on excuses for absences at senate meetings, committee meetings, senator office hours and accountability.
 - 6. Be responsible for approving Senate Legislative Assistants.
 - 7. Oversee the general operation of the Senate.
- C. The Committee on Appropriations and Revenue: The Committee on Appropriations and Revenue shall consider matters pertaining to:
 - 1. The budget of the Student Government Association.
 - 2. Allocations of money.
 - 3. Programs which will incur an expense or provide a profit.
 - 4. Contracts.
 - 5. Credit relationships and accounts of the Student Government Association.
- D. The Committee on Operations and Evaluations: The Committee on Operations and Evaluations shall consider matters pertaining to:
 - 1. The structure and operation of the Student Senate.
 - 2. The relationship between the branches of the Student Government Association including the approval of executive appointments and referral of these to the full Senate.
 - 3. Constitutional and Senate Procedural Bylaw Amendments.
 - 4. Oversight of action following the passage of legislation.
 - 5. Evaluation of programs undertaken by the Student Government Association.
 - 6. Retention of the evaluations for future reference.

Section 7. Enactment of Bills

- A. Any bill passed by the Senate pursuant to the Constitution and Senate Procedural Bylaws shall be delivered the Student Government Association President.

1. The bill shall be enacted into law upon his signature as attested to by the Senate Coordinator. The President may veto the bill by returning a written veto to the Senate within seven days of the passage of the bill
2. The Student Senate may override the veto at the next regularly scheduled Senate meeting by a two-thirds majority of those present and voting. If the veto is overridden, the bill shall immediately be enacted into law.
3. Should the President fail to sign or veto the bill within five class days of its delivery, the bill shall be immediately enacted into law.

Section 8. Enactment of Resolutions

The Senate shall have the power to pass non-binding resolutions, which are an expression of opinion, support, wish or request of the Senate that have no force of authority.

Section 9. Interim Senate

- A. At the last regularly scheduled Senate meetings of the fall and spring semesters, the Senate shall internally elect an Interim Senate of five members.
 - B. This body shall have the power and responsibility during the periods of time between the spring and fall semester to:
 1. Tentatively approve the Student Association budget;
 2. Allocate funds for interim activities;
 3. Decide policy for the interim;
 4. Approve the nominations of all appointed Executive Officers, Election Board members and Supreme Court Justices.
 5. This body shall, during the interim, exercise all powers necessary and proper for carrying into execution the foregoing powers.
 - C. The Interim Senate shall not have the power to amend the Constitution or Senate Procedural Bylaws. Any legislation passed by the Interim Senate is effective only as long as the Interim Senate is in session.
 - D. Quorum of the Interim Senate shall consist of three of the five elected Senators. Any Senator who fails to attend one-half (50%) of the regular meetings of the Interim Senate shall be purged. Said purgation shall not affect membership in the full Senate.
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ARTICLE II – THE EXECUTIVE BRANCH

Section 1. The President and Vice President

- A. There shall be a President and Vice President of the Student Body who shall be elected by ticket during the spring elections.
- B. In order to serve as President or Vice President, a student must:
 - 1. be a full-time student at the University of Kentucky, Lexington Community College, for one semester prior to and during the time in office;
 - 2. not be on disciplinary or academic probation;
 - 3. have a cumulative grade point average of 2.3 since enrolling at the University of Kentucky or Lexington Community College, at the time of the election.
- C. No student shall serve more than two consecutive terms as President or Vice President
- D. The President and the Vice President shall serve a term beginning the last of the spring semester in which they are elected and serve until the close of the following spring semester.

Section 2. Powers and Duties of the President

- A. The President shall:
 - 1. Possess full executive authority to represent the Student Body in dealings with persons of other universities and the University faculty and administration.
 - 2. Administer the Executive Branch.
 - 3. Appoint all executive committees and officers necessary for the administration of the Executive Branch.
 - 4. Prepare an executive budget and present it to the Senate for approval by the first full meeting of the Senate in the Fall Semester.
 - 5. Enforce and administer all Senate legislation enacted into law, as well as allocate monies as specified in the budget approved by the Senate.
 - 6. Have the power to enter the Student Government Association into contractual or endorsement agreements that are specifically provided for in an approved budget. All other contracts or agreements must have prior Senate approval.
 - 7. Possess veto power over all legislation or the budget in its entirety. The President shall not have the authority to exercise a line-item veto over any legislation or budget.
 - 8. Make any appointments or nominations not otherwise expressed in this Constitution. These executive appointments shall require written notice signed by the President and nominees before being considered for further action. The president shall submit these notices to the Committee on Committees, who shall then refer these notices to Operations and Evaluations for further action.
 - 9. Delegate Administrative and Executive authority and responsibility to the Vice President.
- B. The President may issue Administrative Regulations concerning the internal organization of the Executive Branch and the use of the facilities, equipment, etc. that is owned, leased, or operated by the Student Government Association.

- C. The President may issue Executive Orders in urgent situations. Such orders must be reported to the Senate at its next meeting. The Senate may pass a resolution expressing support or disapproval of the Executive Order. The Chairperson of the Senate has standing to challenge the urgency of the Executive Order to the Supreme Court within two weeks of its issuance.
- D. The President shall supply the Student Government Association with a list of membership for each Administrative and University Senate Committees.

Section 3. Vacancy in the Presidency

Should a vacancy occur in the office of President due to death, illness, resignation or removal, the Vice President shall assume the powers and duties and office of the Student Body for the un-expired portion of the term.

Section 4. Powers and Duties of the Vice President

- A. The Vice President shall exercise the following powers:
 - 1. Serve as Chairperson of the Committee on Committees, voting only in case of a tie;
 - 2. Serve as an ex-officio non-voting member of all Student Senate standing committees;
 - 3. Perform all duties and exercise powers delegated by the Student Senate.
 - 4. Assist in Administrative and Executive duties as the President sees fit.

Section 5. Vacancy in the Vice Presidency

- A. Should a vacancy occur in the office of Vice President, the Chairperson of the Senate shall assume the powers, duties, and office of Vice President for the unexpired portion of the term.
- B. A Student Senator fill the vacancy of the Senate Chairperson

Section 6. Simultaneous Vacancies in the Presidency and Vice Presidency

Should a simultaneous vacancy occur in both the offices of President and Vice President, the Chairperson of the Senate shall assume the powers, duties, and office of the President of the Student Body for the remainder of the term. That person shall nominate, and the Senate approve by majority vote, an eligible student who shall assume the powers, duties and office of Vice President for the unexpired portion of the term.

Section 7. The Executive Cabinet

- A. The Executive Cabinet shall be chaired by the President, and shall consist of the Vice President, the Secretary of the Cabinet, and the Secretary of each Cabinet Department.

- B. The Secretary of the Cabinet shall be appointed by the President, and confirmed by a majority vote of the Senate. The Secretary shall be responsible for administration of the Executive Cabinet.
- A. The Cabinet shall consist of those departments recommended by the President and approved with the advice and consent of the Senate.

Section 9. Comptroller

The Comptroller shall be appointed by the President, with the advice and consent of the Senate, and must have completed at least two accounting courses. A "B" average is required in all accounting courses taken prior to the appointment. The Comptroller shall maintain an accurate and up-to-date accounting of all income and expenditures. He/she shall report to and counsel the Student Senate on all matters pertaining to the financial status of the Student Government Association. The Comptroller shall advise the President on the preparation of the annual budget.

Section 10. Additional Executive Members

The President shall have the authority to appoint special assistants, task forces and ad hoc committees with the approval of the simple majority vote of the Senate.

Section 11. Accountability

- A. Standing Committees may, by absolute majority vote, require the appearance of any Executive Officer, at the following Senate meeting, who shall respond to any inquiries.
- B. If failure to perform his/her assigned duties occurs, an Executive Officer may be removed by the President or two-thirds vote of the Senate. President and Vice President may be removed from office by a two-thirds vote at two consecutive meetings of the Student Senate. Such votes are not subject to veto.

ARTICLE III – THE JUDICIARY

Section 1. The Student Government Association Supreme Court

There shall be a Student Government Association Supreme Court, which shall exercise the judicial power of the organization, including the ultimate disposition of all election disputes.

Section 2. Composition

- A. The Student Government Association Supreme Court shall consist of seven (7) members who are students of either the University of Kentucky or Lexington Community College. At least three (3) members shall be enrolled in the College of Law.
- B. The Supreme Court shall elect their own Chief Justice, and all other members of the Supreme Court shall go by the title of "Associate Justice."

Section 3. Term of Office

- A. Each member shall serve on the Supreme Court as long as he/she is a student in good standing. Any undergraduate who continues in graduate or professional school at the University of Kentucky shall retain his status on the Court.

Section 4. Session, Meetings, and Quorum

- A. The Supreme Court may be called into session on any day in which the University is in an academic period by the Chief Justice. The Supreme Court shall suspend or end the session at the termination of the academic period.

Section 5. Procedures

- A. The Student Government Association Supreme Court shall have the power to establish additional rules or procedures consistent with this Constitution, Bylaws, and fundamental fairness. The Student Government shall have the power to establish procedures that are consistent with this Constitution and fundamental fairness.
- B. The Supreme Court rules contain specific procedures for bringing a claim before the Supreme Court outlining rules for filing, providing notice to parties, and conducting hearings.
- C. The Supreme Court shall have the power to dismiss claims that are frivolous.

Section 6. Jurisdiction

- A. Notwithstanding paragraph (B), The Student Government Association Supreme Court, shall have original jurisdiction over cases involving:
 - 1. The interpretation of this Constitution.
 - 2. Offenses against the provisions of this Constitution,
 - 3. The constitutionality of Senate legislation,
 - 4. Any other matter directly related to the Student Government Association.
- B. The Supreme Court shall:
 - 1. have appellate jurisdiction over cases involving Student Government Association elections disputes and removal trials of elected executive and legislative officers.

2. The scope of review for removal trials shall be limited to errors in the application of substantive and procedural law. If an error is found the Supreme Court shall remand the case for a new trial consistent with this Constitution. Any factual determinations at trial shall be preserved.
- C. The Supreme Court shall have the power to grant injunctive relief to correct any inequalities or violations in any matter arising out of the Constitution. Such relief shall include, but not be limited to:
1. Enjoining Student Government Association entities and members from action until compliance with the Constitution is assured,
 2. Requiring specific performance by Student Government Association entities and members to compel compliance with the Constitution.,
 3. Any other legal or equitable remedy consistent with this Constitution.
- D. All decisions by the Supreme Court shall be final and binding.

Section 7. Appointments

- A. The Chief Justice shall notify the President as vacancies occur.
- B. The President will nominate a student in good standing and the Student Senate, by a simple majority, must vote to seat each member of the Supreme Court. The vote is not subject to veto.
- C. A nominee to the Supreme Court may be compelled to appear before the Senate, or subdivision thereof, in order to explain his/her qualifications for the position.

Section 8. Removal from Office

Supreme Court Justices may be impeached for malfeasance in office or failure to perform duties by a majority of the remaining Supreme Court justices and convicted by a two-thirds (2/3) vote of the student Senate.

Section 9. Temporary Justices

- A. In the event that the Supreme Court must be called into session during the summer academic period, temporary justices may be appointed to meet, but not exceed, quorum. Reasonable efforts should be made to contact the permanent justices so that they can sit in judgment of the claim(s) before the court.
- B. The Chief Justice, or his/her designate shall determine whether temporary justices are required and then notify the President.
- C. Temporary justices shall be nominated by the President and approved by two-thirds majority of the Interim Senate and will serve in the capacity of Associate Justice until the end of the current session.

- D. Any decision where temporary justices comprise the majority may be appealed to the Supreme Court in the next session. Reasonable efforts shall be made by the Chairperson of the Senate to contact Justices.

Section 10. Duties of the Justices

- A. The Chief Justice or his designee shall preside over the court and any hearings, Administer the oath of office to the President, Vice-President, and the Senate, maintain records of the court, and is ultimately responsible for the writing of the opinion.
- B. The Associate Justices are required to attend and actively participate in all meetings and hearings

Section 11. Conflict of Interest

- A. Any member of the Supreme Court may not run for elective office or for the University Senate. Any conflict of interest will be deemed to occur when the Justice expresses his intention to run for office.
 - B. Any member of the Supreme Court shall not participate in a campaign or actively and openly support a candidate for office or referendum. The remaining members of the Court shall determine if there is a conflict of interest.
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ARTICLE IV – LEGISLATIVE AND EXECUTIVE JOINT COMMITTEES

Section 1. Joint Committees

There shall exist committees, with a membership of an equal number of Senators and Executive Appointees, that shall be charged with the formulation of policy of the Student Government Association. Those committees shall be the same in name and number as the Cabinet Departments of the Executive Branch.

Section 2. Committee Status

- A. Each joint committee shall be considered a committee of the Senate, and shall have all authorities afforded to standing committees of the Senate, including the power to refer legislation to the Senate, upon passage in said committee.
 - B. Each committee member, whether a Senator or Executive Appointee, shall be vested with full voting rights within a joint committee, each member having one vote.
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- C. Each joint committee shall have two co-chairpersons, one from the Executive Cabinet as appointed by the President and one Senator selected by the Committee on Committees. Each co-chairperson shall have the power to call a meeting with a quorum of joint committee members.

 - D. The Secretary of the Executive Cabinet and the Chairperson of Senate shall serve as ex-officio members of each joint committee, with the authority to place business items on the agenda of the joint committees.
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ARTICLE IV – BUDGET AND ALLOCATIONS

Section 1. Budget

- A. The President shall present a line item operating budget to the Interim Senate or the full Senate, if possible, for preliminary approval no later than June 30. If the President fails to comply, the Interim Senate shall have the power to put in place an operating budget for the months of July, August, and September.

- B. The President shall present to the Senate a complete line item budget, and a budget narrative by the first full Senate meeting of the fall semester, for approval. If the President fails to comply, the Senate shall have the power to charge the Appropriation and Revenue Committee to construct a budget.

- C. The budget shall contain an operating expense allocation for each of the three branches of government.

- D. Upon passage of the budget, all Executive Branch funds must be used for the specific purposes stated in the line item budget, and budget narrative. All unused funds must be returned to the budget under Senate Allocations.

- E. All bills passed by the Senate and any contracts made by the President shall be only payable under the current fiscal year being July1 to June 30.

Section 2. Report of the Comptroller

- A. The Comptroller shall present an updated budget report at least once a month at the Senate meeting, and shall present an updated budget report at least once a month to the Appropriation and Revenue Committee.

- B. The Comptroller report shall include the following:

1. The remaining available funds for each separate line item.
2. A report detailing the current balance of each of the three university accounts. (#2, #3, #9)
3. The projected surplus or deficit.

Section 3. Budget Review

The Comptroller shall present to a joint committee of Operations and Evaluations, and Appropriations and Revenue Committees, a balanced six-month budget summary at the first Senate meeting in the Spring Semester.

Section 4. Fiscal Policy

A. Funding Guidelines

1. Student Government may allocate funds solely to students
2. Students may not request funds for, nor may they be reimbursed for expenses incurred from the following categories:
 - a. Taxes
 - b. Subscriptions
 - c. Management and consulting fees
 - d. Outside organization membership dues
 - e. Donations directly to charities
 - f. Events and/or organization which discriminate against any group of students
3. All students may be required to finance a portion of their expenses by supplementary income.
4. If said money is used to purchase capital equipment, such equipment is property of the student body. Sale of said capital equipment is prohibited.

B. Requirements of Groups and/or Organizations for requesting funds.

1. 100% rule: If Student Government is providing 100% of the funds for an event the following shall be announced at the event, and printed on all material concerning the event: "This event is funded by your University of Kentucky Student Government"
2. If funding for an event is less than 100% then the following shall be announced at the event, and printed on all material concerning the event: "This event is partially funded by your University of Kentucky Student Government."

ARTICLE V – ELECTIONS

Section 1. Types of Elections

- A. The President, Vice President, and Senators at-large shall be elected by the entire membership of the student body in an election held on the eighth and ninth working days following Spring Break, hereinafter known as the Spring Elections.

- B. College Senators shall be elected by those students elected in their respective college in the Spring Elections.
- C. The Freshmen Senators shall be elected by and from the Freshmen class on the Wednesday and Thursday of the sixth week of classes during the Fall Semester, hereinafter known as the Freshmen Elections.
- D. The Lexington Community College Senators shall be elected by and from the students of Lexington Community College during the Spring Elections.
- E. All candidates for office must meet the requirements for that office. It shall be a condition precedent to the attainment of a chief leadership positions in any branch of government, that the individual shall have served one year prior in office in student government.
- F. A special election shall be held if the Supreme Court invalidates or nullifies an election. Such special election is to be administered solely by the Election Board of Claims.

Section 2. Election Oversight and Administration

- A. There shall be an Elections Board of Supervision, Election Board of Claims, and Office of the Election Investigator.
- B. The Elections Board of Supervision shall consist of five members. Each member shall be nominated by the President and approved by a majority vote of the Student Senate. This board will be responsible for the administration of Spring and Freshmen elections, including:
 - 1. Adequately conducting the election, including:
 - a. Submitting to the Student Senate, no less than eight weeks before the Spring Elections and three weeks prior to the Freshmen Elections, the polling places, times, and campaign prohibited zones, which the Student Senate shall amend and approve by majority vote.
 - 2. Insuring the Constitutional eligibility of the candidates.
 - 3. Establishing and enforcing election rules and regulations consistent with this Constitution.
 - 4. Delivering the election results to the Election Board of Claims and the Election Investigator for Certification, and subsequently announcing the results of the elections.
 - 5. Distributing copies of all election rules and regulations at the first candidates' meeting. Subsequent to the distribution of these rules, and until the certification of an election, the Board of Supervision shall establish no new election rules or regulations.
- C. The Elections Board of Claims shall consist of two members appointed by the President and approved by a majority vote of the Senate, two members appointed by the Chairperson of the

Senate and approved by a majority vote of the Senate, and one sitting Supreme Court Justice, appointed by the Chief Justice, for a total of five members. This Board shall have jurisdiction:

1. To hear any claim concerning:
 - a. The administration of an election or the actions of a candidate
 - b. Violations of election rules
 - c. The validity of an election
 - d. The disqualification of a candidate.
 - e. To certify all elections. An election can only be certified:
 1. If there are no outstanding claims.
 2. After all pending claims have reached final judgment by the Elections Board of Claims or the Student Government Supreme Court.
- D. Members of the Elections Board of Supervision may neither hold nor seek any other position in the Student Government Association, nor hold membership on the Elections Board of Claims or hold the Office of Election Investigator.
- E. There shall be an Elections Investigator appointed by the Chief Justice of the Student Government Supreme Court. The Investigator shall have the power to:
 1. Challenge any election or candidate for good cause on behalf of any candidate or student eligible to vote in that election.
 2. Any candidate or other student wishing to challenge a candidate or election must show good cause to the Investigator, who, upon a showing good cause, must:
 - a. Develop an investigation to discover any evidence supporting the claim.
 - b. File and prosecute the claim with the Elections Board of Claims.
 - c. If the Board of Claims rejects the claim, the Investigator may, on his own or at the wish of the candidate or student filing the claim, appeal the decision to the Student Government Supreme Court.
- F. In the case of a tie for any office other than the President and Vice President, the current Senate shall certify the winner by majority vote. In the case of a tie for the office of President and Vice President, a special election shall be held.
- G. On the third class day following the announcement of the results of an election, the Chairperson of the Board of Supervision shall publicly meet with and present to the Election Investigator and the members of the Board of Claims, for certification, the results of the election. Said meeting shall be conducted after 4:00 p.m. so that challenges may be properly filed.

Section 3. Filing Requirements and Procedures

- A. The period for filing for a ballot position in the Spring Elections shall start 15 working days prior to Spring Break and filing shall continue until 8 working days prior to Spring Break; except that the

Elections Board of Supervision may extend the deadline for those races in which no candidate has filed before the above deadline by a majority vote.

- B. All persons running for an office are required to submit an application, a petition, and a deposit to the Chairman of the Elections Board of Supervision. The candidate may designate the exact variation of his or her name that appears on the ballot in the application. The Board of Supervision shall prohibit frivolous and fictitious names from appearing on the ballot. This form cannot be changed or handed in after the last time for filing
- C. To appear on the ballot as a ticket for President and Vice-President, each ticket must obtain 1000 signatures from members of the student body and submit the petition with his/her application. The petition must contain each student's date of birth to enable the Elections Board of Supervision to verify the enrollment of the person signing the petition.
- D. To appear on the ballot for Senator-at-Large, each candidate must obtain 400 signatures from members of the student body and submit the petition with his/her application. The petition must contain each student's date of birth to enable the Elections Board of Supervision to verify the enrollment of the person signing the petition.
- E. To appear on the ballot for Freshman Senator, College Senator or Lexington Community College Senator, each candidate must obtain signatures from three (3) percent or 25 from the eligible voters for their respective seat and submit the petition with his/her application. The petition must contain each student's date of birth to enable the Election Board of Supervision to verify the enrollment of the person signing the petition.
- F. A student's name must appear in signature and printed form and be accompanied by his/her date of birth to be counted on any petition.
- G. The application form shall also be accompanied by a thirty dollar (\$30.00) deposit of which \$25.00 will be refunded only if the candidate removes all of his or her campaign literature from campus no later than 6:00 p.m. Friday after the closing of the last polling place. If a candidate fails to remove his or her own literature, the deposit shall be withheld. Furthermore, a violation of campaign rules may result in the deposit being retained as a penalty at the discretion of the Election Board of Claims. Otherwise, \$25.00 will be refunded following the official certification of the election results by the Election Board of Claims.
- H. Upon initial acceptance of a deposit by the Chairman, a receipt will be given.

Section 4. Candidates Meeting

- A. The Elections Board of Supervision shall establish a candidates meeting at which time, rules, regulations, and pertinent meeting dates, as well as duties and responsibilities of a Student

Government Representative and the goals of the Student Government Association will be presented to the candidates.

- B. The Candidate or agent thereof, will be required to sign in, and be present at the end of the meeting when roll is called.
- C. If a Candidate or agent thereof, does not attend and remain present for the duration of the meeting, the candidate's name will not appear on the ballot.
- D. All Candidates and agents thereof, are responsible for all information in the meeting as well as the Constitution, and all federal, state and University rules and regulations for campaigning and elections.

Section 5. Expenditures

- A. A ticket composed of a candidate for President and for Vice President is limited to a total expenditure of six hundred dollars (\$600.00).
- B. Senatorial candidates are limited to one hundred and fifty dollars (\$150.00) if campaigning individually or two hundred dollars (\$200.00) if campaigning on a ticket.
- C. Each candidate shall submit the candidate's expenditure form to the Chairperson of the Elections Board of Supervision or his/her designate no later than 8:00 p.m. on the last day of voting. Failure to do so shall result in the loss of the candidate's deposit. Failure to submit the expenditure form by 4:00 p.m. of the day following the last day of voting will result in disqualification. Candidates are responsible for getting a receipt form showing date, time and the Chairperson's or designates' signature. Original receipts and a copy of all printed material shall accompany the expenditure form.
- D. The winner of a write-in vote must file an acceptable expense report, showing that campaign expenses did not exceed the limit for that office, before being seated.
- E. All commercial or individual services or tangible materials donated by non-students to a candidate or candidates shall be attributed as expenditures of the receiving candidate or candidates at a reasonable retail price.
 - 1. Tangible materials donated by students to candidates shall also be attributed as expenditures of that candidate at a reasonable retail value. Tangible material donated by students to candidates include, but are not limited to paper, wood, glue, staples, posters, signs, banners, t-shirts, and other like materials. Tangible materials donated by students to candidates shall not include the hosting of a website, web site design, or computer programming, since these donations are services.
 - 2. Services donated by students to candidates shall be subject to the following rules:

- a. Any student, whether part time or full time, of the University of Kentucky, including Lexington community college students, can donate their services in any capacity whatsoever, including professional services, and that donation shall not be attributed to the expenditure of the receiving candidate or candidates;
 - b. Service donations by students include donations of website hosting, websites services, or the donation of any future technology that may replace web communication.
3. The Election Board of Claims shall have jurisdiction to settle valuation disputes, subject to ultimate review by the Supreme Court which shall retain appellate jurisdiction over all valuation disputes.”
 4. The burden is on the claimant to prove by a preponderance of evidence that the candidate has exceeded their spending limit. Once a claimant initiates such a claim, the claimant must first make a good cause showing to the Election Investigator, and only if the Investigator has determined that good cause in fact exists shall the claim proceed. If a claim proceeds beyond the Election Investigator, the candidate shall be afforded ample opportunity to present evidence to the Board of Claims and the Supreme Court that the material or service was proper.

Section 6. Campaigning

- A. Interested students may start speaking as candidates for Student Government Association office at any time.
- B. Candidates shall obey federal, state, local and university rules in conducting their campaign.
- C. Candidates may not campaign in areas designated by the Chairperson of the Elections Board of Supervision as a "Campaign-Free Zone". No campaigning of any kind may be conducted within twenty-five (25) feet of any polling place. (Special exceptions to the 25 feet limit may be made by the Election Board regarding physical barriers; i.e., walls, stairways, doors, etc.)
- D. Posting of campaign materials shall be unlimited with these exceptions:
 1. Presidential campaigns will be limited to posting 300 posters on campus property.
 2. Senatorial campaigns will be limited to posting 200 posters on campus area property
 3. No poster may be displayed on campus area property without the official seal of the Elections Board of Supervision.
 4. Campus area will be designated by the Board of Supervision Chairperson.
 5. There shall be no posting in classrooms.

6. There shall be no soliciting of votes in classrooms while class is in session.
 7. No campaign materials shall be posted on living matter (i.e., trees, etc.) except humans may wear buttons, signs, hats, etc.
 8. No posting of campaign material on grounds or sidewalks.
 9. Posting of campaign posters, flyers, on University property may not begin until 12:00 p.m. on the Sunday prior to any election, and must be removed by 6:00 p.m. on the Friday following the election.
 10. Posters are considered to be campaign material sized less than 13 x 19 inches. Any campaign material sized greater than 13 x 19 inches is considered to be a banner, and is, therefore, subject to university regulations.
 11. Campaign materials may not be posted on glass doors, door windows, or in elevators.
 12. Use of adhesive stickers by, or on behalf of candidates are forbidden (even on cars and people).
- E. No student Government Association resources shall be used to support any candidate unless those resources are available to all candidates.
- F. No Election Board member or poll worker hired by the Elections Board may wear or distribute partisan campaign material until the close of the last polling place.

Section 7. Polls

- A. Elections for President, Vice-President, Senators-At-Large, and College Senators shall be held on the eighth and ninth working days following Spring Break, except for special elections, which shall be held at the determination of the Supreme Court.
- B. The Freshman Senators shall be elected by the Freshman class on the Wednesday and Thursday of the sixth full week of classes of the fall semester.
- C. At the close of each voting day, all ballot boxes and/or voting machines will be sealed. A member of the Elections Board and a representative of the Dean of Students Office will be present to open the ballot boxes and/or voting machines.

Section 8. Voting Procedures

- A. Full and part time students shall be permitted to vote once per election in which they are eligible to vote upon presentation of their student I.D. card. Students who have lost their I.D. card must vote in the Student Center.

- B. There shall be no consultation or campaigning in the voting area. Such activity will be grounds for a student's vote being disqualified UNLESS such student is a candidate, in which case a higher penalty may be imposed. Poll workers will record the name and I.D. number of the person engaging in such activity. The Elections Board of Supervision shall post a sign at each poll with the exact wording in the sentences above notifying voters of this prohibition.
- C. The President and Vice President shall be voted on and elected by ticket. No list of members of senatorial slates shall be printed on the ballot.
- D. Each voter shall be allowed to vote for a Presidential/Vice Presidential ticket, for fifteen (15) Senators at-large, and the maximum number of candidates permissible in that individual's college.
- E. A write-in vote shall be valid only if the vote names an eligible candidate.
- F. Poll workers should enforce these voting regulations and report any violations to the Elections Board of Supervision.

Section 9. Election Challenges and Violations

- A. Any candidate or student who believes that a violation of the election rules has occurred may file a claim for good cause with the Election Investigator within three days of the alleged violation. The Election Investigator has two working days to determine if good cause has been shown. Upon a showing of good cause, the Election Investigator shall immediately file a claim with the Election Board of Claims alleging that a violation has occurred and serve actual notice on all concerned parties within one working day.
- B. The Election Board of Claims shall hear the claim within three working days upon filing by the Election Investigator. The Election Board of Claims shall also make public a written statement detailing the reason for any decision to the Kentucky Kernel. A copy shall be given to each concerned party, the Supreme Court, and to the Secretary of the Student Government Association for archive purposes. All decisions of the Board of Claims may be appealed to the Supreme Court. However, any determination or order by the Board of Claims arising from an election claim shall be binding on the Board of Supervision and all concerned parties and candidates and shall remain effective until overturned, if at all, by ruling of the Supreme Court.
- C. The Elections Board of Claims shall have jurisdiction to grant injunctive relief to correct any inequities or violations of any elections or procedure arising out on violations of any Student Government Association election. To invalidate or nullify an election, the Election Board of Claims must find that it is more likely than not that irregularities in the conduct of the election occurred and that those irregularities caused a different outcome to occur in a given election. Unless a gross irregularity has occurred which affects the integrity of all races in a given election, those races unaffected by the irregularly shall otherwise be certified.

- D. Violations consists of misdemeanors and felonies:
 - 1. A misdemeanor is any violation of election rules, which, by its nature, does not affect the integrity of the overall election process. A single misdemeanor, however may be grounds to invalidate the race for a particular office or invalidate a particular candidate for an office.
 - 2. A felony is any violation of election rules that affects the integrity of the election process or an accumulation of misdemeanors that viewed collectively, affect the integrity of the election process.
 - 3. A preponderance of evidence is sufficient to establish a misdemeanor or felony violation.
- E. A claimant may offer evidence and present witnesses to the Elections Board of Claims and Election Investigator and to the Supreme Court if on appeal.
- F. The Election Investigator and Elections Board of Claims and Supreme Court may subpoena a witness or witnesses if necessary.

Section 10. Election Board of Claims Penalty Guidelines

- A. The Election Board of claims shall use the following guidelines for determining the proper penalties after the Board is satisfied that it is more likely than not that a violation has occurred.
 - 1. The Election Board of Claims may assess a fine equal to the candidate's deposit, if it is established that the candidate or any agent of the candidate acting on the candidate's behest, violated any election rule.
 - 2. The Election Board of Claims shall issue an additional fine after the loss of deposit, for each subsequent misdemeanor or shall require community service hours. Community service hours must be served through the Student Government Association Community Service Committee. Hours must be certified by the Election Board of Claims Chair, who will then report to the Committee on Committees.
 - 3. Failure to comply with the Election Board of Claims decision in their specified time frame will result in disqualification of the candidate-elect, or the purgation of the Senator.
 - 4. If a candidate is found to have committed any violation that affected the integrity of the election, (a felony violation), the candidate shall be disqualified.
 - 5. If a candidate is found to have committed more than one violation, the Election Board of Claims must consider the impact of violations together to determine whether they collectively affected the integrity of the election process. If so found, the candidate shall be disqualified and/or the entire election may be invalidated.
- B. More than one penalty may be assessed at a given time, and the Board of Claims can invalidate an entire election if the integrity of the election has been affected.

Section 1. Purpose

There shall be a representative body of the Freshman class known as the Freshman Representative Council. The sole duties of the Freshman Representative Council shall be to devise programs and beneficial services to the Freshman class and the University as a whole.

Section 2. Membership

In order to serve as member of the Freshman Representative Council, a student must be a Freshman at the University of Kentucky in credit hours at the time of his/her appointment; must not have been enrolled in any institution of higher learning for more than two semesters or the equivalent; and must not be on academic or disciplinary probation. Any college credit earned during high school enrollment shall not be considered. Membership on the Freshman Representative Council shall consist of no more than 29 members. There shall be no more than 25 members to come from the selection interviews, while the remaining openings shall be filled by the Freshman Senators.

Section 3. Selections

- A. Selection process for membership to the Freshman Representative Council shall be conducted by the Freshman Representative Council Administrative Advisor, Senate Advisor, and three other members duly appointed by the Administrative Advisor.
- B. Notification of appointment to the Freshman Representative Council shall be made no more than 24 hours after final selections are finished.
- C. The Freshman Representative Council shall elect a chairperson from its membership.

Section 4. Executive Staff

- A. The President shall appoint a Freshman Representative Council Administrative Advisor who shall serve as executive chairperson and shall have final approval of all actions and projects to be assumed by the Freshman Representative Council.
- B. The Freshman Representative Council Administrative Advisor shall serve as legislative director of the Freshman Representative Council and shall oversee all concerns pertaining to the University of Kentucky Student Government Association Freshman Representative Council Senate and matters thereof. The Freshman Representative Council Administrative Advisor shall be appointed by the Student Body President and subject to confirmation of the Student Senate.

Section 5. Attendance

- A. Attendance is mandatory at all Freshman Representative Council meetings. Missing three (3) Freshman Representative Council meetings will result in purgation from the Freshman Representative Council.
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ARTICLE VII – REFERENDA

Section 1. Initiation of Referenda

- A. Any member of the student body may initiate a referendum by presenting the President with a petition of at least one thousand (1000) names.
- B. The Student Senate shall also have the power to hold a referendum on any question provided a motion is made, seconded, and receives a two-thirds majority vote of the Senators present.

Section 2. Authority

- A. The outcome of the referendum shall be binding and take effect forty-eight hours after the referendum is official with the exception of matters concerning the Constitution and Bylaws.
- B. Referenda regarding Constitutional issues shall only be advisory. The Student Senate shall then be responsible for enacting legislation to meet the demands of the student body within two Senate meetings.

Section 3. Referendum Board

There shall be a Referendum Board consisting of no less than three members appointed by the President of the Student Body upon the approval of the Student Senate. The Board shall be responsible for establishing procedures and regulations for the conduct of the referendum, publicizing the referendum, conducting the referendum, and investigating all disputes.

Section 4. Referenda Voting

- A. All referenda votes shall be held in conjunction with the Spring Elections. The question(s) shall be placed on the ballot with presidential and senatorial elections.
- B. If special circumstances arise that might require a referendum at another time, the initiator of the referendum must appeal to the Supreme Court in order to hold a separate referendum. The Supreme Court shall then decide whether the question demands a special referendum.

Section 5. Challenges

Any student may challenge the validity of the referendum on the grounds of irregularity in the referendum procedure, a violation of the referendum rules, or for false and misleading statements publicized by either side of the issue by submitting in writing to a member of the Referendum Board or his/her designate no later than 4:00 pm, on the fifth day of classes following the announcement of the results of the referendum.

Section 6. Disposition of Challenges

- A. The Board shall rule on the validity of the challenge by the fifth day of classes following the filing of the challenge. Any decision of the Referendum Board on the challenge may be appealed by any party to the Student Government Association Supreme Court no later than 2 class days following the day of the announcement of the decision of the Referendum Board. The decision of the Student Government Association Supreme Court on the validity of the challenge shall be final.
- B. If a challenge is upheld, the referendum board must act in one of the following ways:
 - 1. Where possible, invalidate those votes which were affected by the inequities, or
 - 2. Invalidate the entire referendum.

Section 7. Injunctive Relief

The Student Government Association Supreme Court shall have jurisdiction to grant injunctive relief to correct any inequities or violations of any referendum regulations or procedures arising out of any misconduct, effective immediately following its final passage by the Student Senate.

ARTICLE VIII: GENERAL STUDENT ASSEMBLY

Section 1. General Student Assembly

A meeting of the entire membership shall be known as the General Student Assembly.

Section 2. Meetings

- A. The President of the Student Body or the Student Senate shall have the power to call meetings of the General Student Assembly for a specific purpose. Any member may require the prompt convocation of the General Student Assembly by presenting the President of the Student Body a petition signed by one thousand (1000) members.
- B. All meetings of the General Student Assembly shall be announced. The place, time, and purpose of all meetings of the General Student Assembly shall be announced in the campus newspaper prior to the meeting.

Section 3. Procedures

- A. The Chairperson of the Senate shall preside over all meetings of the General Student Assembly.
 - B. Five hundred (500) members of the Student Government Association shall constitute a quorum.
 - C. The Student Senate may provide procedures for the conduct of business. Where the Student Senate is silent, the parliamentary authority shall be Robert's Rules of Order.
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ARTICLE IX – CONFLICT OF INTEREST

- A. Unless explicitly permitted elsewhere in this Constitution, no student shall simultaneously hold positions in more than one branch of the Student Government Association. A position on a joint committee shall not be construed as a position in the other branch.
 - B. This article may not be construed as to affect the rights afforded members of Joint Committees of the Legislative and Executive Branches.
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ARTICLE X: AMENDMENT PROCESS

- A. The Student Government Association Constitution can be amended by a three-fourths (3/4) majority vote at two consecutive meetings of the Student Senate where quorum is present. These votes are not subject to Presidential veto. The amendment shall become effective immediately following its final passage.
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ARTICLE XI: RATIFICATION

Section 1. Enactment

- A. In order to enact this Constitution into law, a two-thirds (2/3) majority of the Student Senate must vote in favor of adopting it at each of two Senate meetings in which quorum is present and proper notice of said meetings is given to the Student Body.

Section 2. Revocation

- A. Ratification of this Constitution shall revoke all previous Constitutions of the Student Government Association and subsequent amendments in their entirety.

Section 3. Effective Date

- A. Once duly ratified under Section 1 of this article, this constitution shall come into force on January 1, 2001.

Section 4. Exceptions

- A. The following exceptions shall be recognized upon ratification of this Constitution:
 - 1. All elected and appointed officials holding office on the date this Constitution is deemed to take effect shall continue in their respective office until the expiration of their term.
 - 2. All justices serving on the date this Constitution is deemed to take effect shall continue in their respective capacity on the Supreme Court subject to the term limitations at the time of their original appointment.
 - 3. All contracts and any other obligations or claims legally enforceable against the Student Government Association at the time this Constitution is deemed to take effect will be respected.
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ARTICLE XII: STUDENT GOVERNMENT AWARDS, SCHOLARSHIPS, AND GRANTS

The Student Government Association shall allocate funds for the following awards each fiscal year:

Section 1. Zumwinkle Student Rights Award

- A. Zumwinkle Student Rights Award will be bestowed on those students, faculty and staff members that have done the most to promote and protect student rights on campus during each academic year. A three hundred dollar gift accompanies this award. The award is in honor of Robert Zumwinkle, former Vice-Chancellor of Student Affairs.

Section 2. J.W. Patterson Outstanding Senator Award

- A. This award will be bestowed on the most outstanding Senator during the academic year that has made the most significant contributions to the Student Government Association. This award is in honor of J.W. Patterson, the faculty advisor of the Student Government Association.

Section 3. Student Government Dedication Award

- A. This award will be bestowed on one Executive Branch member recognized by the Student Government Association as the most dedicated non-elected member of the Executive Branch.

Section 4. Lyman T. Johnson Odyssey Award

- A. This award will be bestowed each academic year on a student who has, by their actions; exemplified a high degree of personal integrity and a commitment to the betterment of the community or campus.; The recipient shall be awarded a fifteen hundred dollar (\$1500) academic

stipend in both the fall and spring semesters of the following academic year. The award is in honor of Lyman T. Johnson, the first African-American student to be admitted to the University of Kentucky.

Section 5. Student Government Association Scholarships

- A. At least three thousand dollars (\$3000) to be allocated toward University of Kentucky Student Government Association Student Scholarships. The senate shall elect a committee of five to establish criteria and applications for the scholarships.
- B. Additional Student Government Association Scholarships may be provided for in the budget approved by the Student Senate.

Section 6. Student Government Association Grants

- A. At least one thousand dollars (\$1000) shall be placed in a fund to award student parents with assistance in financing child care. This sum shall launch the fund raising efforts for this fund each year. Awards shall be bestowed on those students who exhibit financial need and desire to better their own lives and the lives of their family through attainment of high education.