

Chapter IV: The Elections Codes

Section 1. Elections Commission

1-1. Composition

There shall be an Election Commission composed of a Chairperson, Vice Chairperson and up to fifteen (15) members at-large. The President of Student Government with the consent of the Senate shall appoint election Commissioners and the Chairperson. The Elections Commission shall elect the Vice Chairperson. Election Commissioners shall serve one-year terms, from one spring semester to the next, beginning with the inauguration of the new Executive Board, with renewal of those terms at the discretion of the President and requiring a vote of the Senate. Should an Elections Commissioner begin their term begin after this time period for any reason, their term shall only last until the end of the existing term. The same applies for the term of the Elections Commission Chair and anyone who assumes said position for an incomplete term. A quorum for this Commission shall consist of 1/3 of the filled positions and one Chairperson or Vice Chairperson in the event that the Chairperson is unavailable.

1-2. Authority

The Elections Commission is authorized to act as an independent agency of Student Government. The Elections Commission shall have original jurisdiction to pursue matters related to elections. The Supreme Court of Student Government shall have original judicial jurisdiction. All University policies and decisions shall supersede these Elections Codes.

1-2.2. Powers of the Elections Commission

The Elections Commission is authorized to:

1. Administer and conduct the organization, coordination and operation of all Student Government elections and referenda.
2. Administratively enforce and prosecute violations of regulations, procedures and rules governing elections and referenda.
3. Promulgate and amend the Elections Codes to administer the powers and authority vested by this chapter and the Student Government Constitution. Amendments to the Elections Codes shall be transmitted in writing to the Senate and shall become effective ten (10) days after their receipt, unless the Senate shall have rejected or tabled the proposed amendment by category C action within such time. Further, the Elections Commission may recommend amendments to the Student Government Constitution or remaining portions of the Statutes that relate to election procedures.
4. Propose an Election Calendar to be submitted to the Senate by the second to last Senate meeting of the semester prior to the semester in which the election is to be held. The Election Calendar shall outline the dates, times and polling places for the election. Said information and application procedures for candidacy shall be publicized by the Elections Commission immediately upon approval of the Election Calendar by the Senate.

5. Make expenditures on the Elections Commission Account.
6. Use affidavit statements submitted by Elections Commissioners as sufficient evidence to hold trial.

1-3. Procedures

1. The Elections Commission shall create procedures and guidelines for the general operation of the Elections Commission. The most recent version of these guidelines shall be made public prior to the week of elections and can only be amended during the week of elections by a formal vote of three-fourths (3/4) of the filled positions of the Elections Commission.
2. The Elections Commission Chairperson shall supervise the operation of polling areas. The chairperson shall declare official polls opened and closed, shall keep the official time and ensure that the polls are open for a minimum of five (5) hours each election day. The Chairperson shall be responsible for the security of voting machines.
3. Voting shall be conducted in a manner to be determined by the Elections Commission.
4. The Elections Commission shall be responsible for validating the eligibility of all votes and candidates in an election.
5. The Elections Commission shall compile and distribute an election packet to include those forms necessary for the proper filing of candidacy and all rules that pertain to the candidates and voters. The Elections Commission Chair shall be responsible for receiving written confirmation from both the Chief Justice of the Supreme Court and the Speaker of the Senate that the correct codes are being distributed. These communications will be submitted and ratified by the Advisor(s) prior to distribution.
6. The Elections Commission shall maintain a file of all submitted graphic campaign material.
7. All information submitted to the Elections Commission, other than graphic campaign material by a candidate, shall be available as public information at the discretion of the Elections Commission upon the written request of any University of Miami student.
8. For the purpose of establishing a total vote count for a particular office, votes for a disqualified candidate shall not be counted.
9. The Elections Commission will also announce if there will be a run-off election.
10. All candidates properly registered shall be placed on the ballot with any ticket affiliation and incumbency status noted adjacent to their name.
11. The Elections Commission shall present all information as it is to appear on the ballot to the candidates at the Mandatory Candidates meeting for verification.
12. The Elections Commission is authorized to remove graphic campaign material provided that the material is in a restricted area, distributed prior to the date set forth in the Election Calendar, has not been approved by the Elections Commission, or damages property.
13. The Elections Commission shall group candidate listings on the ballot according to their ticket affiliations in alphabetical by constituency.
14. The Elections Commission shall be responsible for submitting updates on the Student Government website to inform the electorate regarding, but not limited to, any of the following matters: a) deadlines for submissions; b) mandatory meetings; c) meet the candidate events; d) voting times and locations; e) all trials and their results; f) any other information deemed to be significant to the university student body.

1-3.2. Election Results Procedures

The Elections Commission shall be responsible for disseminating election winners, as well as the official vote total for every candidate, as soon as reasonably possible, following every Student Government election. They shall announce these election results to the general student body and submit them to be posted on the Student Government website.

The Elections Commission shall also be responsible for contacting all candidates for office and informing them of their electoral status within 24 hours of the original election results announcement.

Section 2. Voter Requirements

2-1. Identification

Voters must be enrolled as full-time degree seeking undergraduate students and have paid the Student Activity Fee.

2-2. Responsibilities

Voters may only vote for those candidates seeking to represent their constituency by school, year, and residency. Voters will not be permitted to verbally or graphically campaign within 100 feet of official polling areas. A voter may be denied the right to vote until verbal campaigning ceases and/or graphic campaign material is removed.

2-3. Absentee Ballots

Voters must present proper cause to the satisfaction of the Elections Commission to qualify for an absentee ballot. Students may not allow others to vote for them except for physically disabled persons who must obtain an absentee ballot. Absentee ballots may be obtained in the Student Government Office, UC 214, or UC 236.

Section 3. Candidacy

3-1. Requirements

All candidates must have a 2.5 cumulative grade-point average and be enrolled as full-time undergraduate students in good standing and have paid the Student Activity Fee at the time of application. Candidates must be a member of the constituency they wish to represent. By applying for candidacy, a candidate authorizes the Elections Commission to have the candidate's academic records and credentials verified by authorized personnel. Candidates for President, Vice President and Treasurer must have a 2.7 cumulative grade-point average in addition to the aforementioned requirements.

3-2: Code of Conduct

All candidates must abide the rules enumerated in Section B of the Student Code of Conduct found in the *University of Miami Student Rights and Responsibilities Handbook*.

3-3. Application Procedures

The following guidelines apply to all candidates filing for application:

3-3.2. Filing for Candidacy

In filing for candidacy, the candidate shall affirm, in writing, an understanding of the responsibilities of the office sought and the importance of abiding by the Elections Codes. No candidate may declare candidacy for more than one (1) position.

3-3.3. Ticket Affiliation

All candidates wishing to be affiliated with a ticket and have this information appear on the ballot must declare the ticket affiliation on their application. A candidate may not affiliate with more than one ticket.

3-3.4. Withdrawal

Any candidacy withdrawn after the application deadline may not be reinstated. Said candidate is eligible to run as a write-in candidate.

3-3.5. Mandatory Candidates Meeting

All candidates must attend any candidates meeting as outlined in the Election Calendar. If a candidate cannot attend the meeting or must be late, a valid written excuse must be submitted to the Elections Commission Chairperson or the Student Government Advisor(s) by noon the day of said meeting.

3-4. Formation of a Ticket

A ticket shall consist of candidates from no more than one of the following categories:

1. Those candidates running for seats within a single school
2. Those candidates running for seats within a single academic class
3. Those candidates running for President, Vice President and/or Treasurer
4. Those candidates running for seats within a residential constituency

3-4.2. Sharing of Publicity and Finances

Any sharing of publicity or finances between candidates of one category and candidates of a different category constitutes affiliation with more than one ticket.

3-4.3. Slogans, Campaign Names and Graphic Campaign Material

Slogans, campaign names or graphic campaign materials that are remarkably similar or that differ by words that do not significantly change the meaning or theme shall constitute affiliation with more than one ticket and shall be considered so at the discretion of the Elections Commission.

3-4.3. Ticket Names

Ticket names will be assigned in the order received. A campaign shall hold all rights to the ticket name until he or she relinquishes the name to another campaign or no longer remains a University of Miami undergraduate student.

3-5. Write-In Candidates

Write-in candidates, who graphically campaign, with the exclusion of e-mails, shall be disqualified.

3-5.2. Write-In Candidates in Run-off Elections

1. If an unopposed candidate for President, Vice President, or Treasurer fails to win a majority of the votes, then the name of the write-in candidate with the most votes will appear on the run-off ballot.
2. If a tie occurs in a Senate election, the names of all candidates tied for the position will appear on the run-off ballot. This includes write-in candidates.
3. Any vote cast for a candidate whose name does not appear on the run-off ballot shall not be counted.

Section 4. Finances

4-1. Expenditures

1. Expenditures for independent candidates, tickets and referenda shall be limited to total retail expenditure per campaign of \$1,250 for the fall and spring elections. Exceeding this amount will result in a point violation of no less than fifteen (15) points, but up to twenty (20) points.
2. Expenditures during run-off elections shall be limited to total retail expenditure per campaign of \$500 regardless of the amount of money spent during the election.

4-1.2. Goods and Services

All goods and services, excluding labor performed by full-time University of Miami undergraduate students, that are either purchased or donated shall be assessed as a campaign expenditure at its retail value. If these goods or services were acquired at a price substantially below the market value available to the general public or other candidates, the Elections Commission shall determine its retail value.

1. Any University resources that are available to all students for free may be used by any candidate or ticket during their campaign.

4-1.3. Corporate Sponsorship

Any corporate or commercial promotion in graphic campaign material in exchange for sponsorship is prohibited.

4-2. Financial Report Procedure

A Financial Report must be submitted by all independent candidates, tickets, and referenda by 10:00 A.M. on the last day of voting regardless of the amount of money spent. The report must include the retail value of all goods and services used in the campaign, all income sources, expenditure receipts and other pertinent information as determined by the Elections Commission and included in the election packet. Submission of an incomplete or late Financial Report will result in automatic disqualification.

Section 5. Campaigning

5-1. Campaign Procedures

In areas where University policy conflicts with campaign procedures, the University policy shall be supreme. The following guidelines shall apply to all graphic campaign materials:

5-1.2. Graphic Campaign Definition

Graphic campaigning shall include the distribution or exhibition of any written, electronic or printed material that contains any reference or is a clear reference to a candidate, ticket or referendum.

5-1.3. Approval

1. All graphic campaign material, not including personal e-mails, social networking messages, or text messages, must be approved by the Elections Commission before use in the campaign. Emails sent on the listserves are not considered personal emails, and are subject to approval by the Elections Commission before sending. The Elections Commission is the sole authority in determining the approval/disapproval of graphic campaign material content. The submission of any graphic campaign material does not constitute approval by the Elections Commission.
2. Graphic campaign material shall be considered unique and separate, regardless of outstanding similarities or duplication, including material submitted by the same ticket.
3. A candidate must submit an online copy of each piece of graphic campaign material and a brief description for each piece of campaign material explaining its explicit purpose and how it will be used. The Elections Commission shall maintain an electronic copy of all submitted graphic campaign material. The Elections Commission shall notify candidates of the approval or disapproval of their graphic campaign material electronically.

5-2. Campaign Policies

The following campaigning policies shall apply to all candidates and referenda:

1. There shall be no graphic or verbal campaigning prior to the time established by the Election Calendar. Verbal campaigning constitutes campaigning at official presentations, campaigning at organizational meetings, classes and University sponsored events.
2. Only enrolled undergraduate students who have paid their Student Activity Fee shall be allowed to wear graphic campaign material, to orally solicit votes or to distribute or display graphic campaign material.
3. There shall be no graphic or verbal campaigning within the square area of the UC Rock bottom of stairs, food court door closest to the polling area, post office door, and the door to the Toppel Career Center. An exception shall be banners displayed in accordance with the Elections Codes. For the purpose of this rule, persons wearing graphic campaign material shall not be considered to be graphically campaigning if they are proceeding or moving by the polling place in an inconspicuous manner or occupying the UC Patio. Violations are recommended at the discretion of the Elections Commission.
4. Amplification of any kind must be authorized by the Elections Commission.
5. Verbal campaigning shall not impede nor constrict the normal flow of traffic, or be unreasonably disruptive.
6. In any instance within these Codes where the permission of a third party is required to allow campaigning, the permission must be in written form and submitted to the Elections Commission for approval
7. Graphic campaign material shall only be placed on personal property with consent of the owner. Personal property includes motor vehicles.
8. Designated posting areas are bulletin boards. Other designated posting area must be approved by the Elections Commission prior to posting material.

9. Only one piece of graphic campaign material per candidate or ticket is permitted per designated posting area. Graphic campaign material may not cover more than one-fourth (1/4) of the posting area.
10. Graphic campaign material shall not be attached to any plant life and trees, except by string. Graphic campaign material shall not be inserted into, or attached to the ground.
11. Banner displays will be permitted in the following areas only:
 - a. The University Center excluding the breezeway (from the bookstore to the first door of the food court), with official reservation through University Center Information Desk at extension 2318
 - b. The lobbies of the Residential Colleges, with permission from the Residence Coordinator
 - c. Other locations specified by the Elections Commission and approved by the appropriate administrators
12. The covering of other posted material by campaigning material is prohibited, unless the other posted material is outdated. Authorized campaign material may only be removed by the Elections Commission.
13. Graphic campaigning in the form of marking or chalking on University property is prohibited.
14. Inappropriate behavior directed towards the Elections Commission will result in a violation recommendation deemed appropriate by the Elections Commission.
15. No verbal or graphic campaigning shall be allowed inside the Rathskeller or in the surrounding patio or inside the Richter Library. For the purpose of this rule, persons wearing graphic campaign material shall not be considered to be graphically campaigning.
16. No Student Government owned property shall be used to help support or endorse any campaign, except for the purpose of a Student Government organizational referendum
17. Harassment, as defined in the University of Miami Student Rights and Responsibilities Handbook, of any member of the University community by any candidate or active member of a campaign is strictly prohibited. An active member of a campaign is someone who actively solicits votes on behalf of a candidate or ticket, and is therefore bound by the rules and regulations set forth in the Student Government Elections Codes.
18. Campaigning at University sporting events is strictly prohibited.
19. Any graphic material that is negative or slanderous in content, as deemed by the Elections Commission, is strictly prohibited.

5-2.2. University Center

1. The University Center shall be defined as the entire Whitten University Center building, the Rock, the Patio and the Breezeway, as well as their immediate vicinities and the pathways around them.
2. Banners placed at the University Center must follow proper procedures through University Center Reservations. A candidate is limited to a maximum of two (2) on campus, of which only one may be in the University Center excluding the Breezeway (from the bookstore to the first door of the food court).

3. All graphic campaigning in the University Center must be authorized by the Elections Commission. The Elections Commission reserves the right to allow each candidate or ticket one (1) graphic display in the University Center, excluding the wearing of campaign.
4. There shall be no verbal or graphic campaigning in the Student Government Office and in any official Student Government meetings by candidates or tickets, with the exception of Student Government organizational referenda.
5. No student employee of the University Center or an office located in the University Center may wear or display graphic campaign material during the time they are at work.
6. No organization's office in the University Center may be used for campaign meetings, storing or producing campaign materials or serving as a campaign base in any other way. This does not apply to the organizational referenda of those organizations possessing offices.
7. T-shirts can be worn anytime in the building except for the student government office and any student government meeting.
8. Any candidate campaigning or making a formal presentation at any organizational meeting that is held at the University Center must notify the Elections Commission.

5-2.3. Residential Colleges and University Village

1. All campaigning in the Residential Colleges and University Village must be approved by the Residence Coordinator.
2. Candidates and their supporters shall not orally solicit votes in any student residence by campaigning door-to-door.
3. Distributing graphic campaign material under doors is prohibited in the Residential Colleges and University Village.
4. One piece of graphic campaign material per ticket or candidate may be placed per designated posting area.
5. One banner per candidate or ticket may be placed in the lobby of each Residential College. No banners or graphic campaign item may be placed on the exterior of the Residential College building.
6. A candidate may actively solicit votes only in a designated area. This area is at the discretion of the Resident Coordinator. These designated areas may change at the time of polling.
7. Graphic campaign material shall not be placed in student United States postal mailboxes unless mailed through the United States Postal Service.

5-2.4. Fraternity Row and Pan-Hellenic Suites

All campaigning in the Fraternity Houses and Pan-Hellenic Suites is to be approved by each respective Fraternity/Sorority president or their designee. Final approval must be given by Interfraternity Council, Pan-Hellenic Council, National Association of Latino Fraternal Organizations, National Pan-Hellenic Council, and Associate Dean of Students respectively where applicable. All questions and concerns regarding approved graphic campaign material in the Fraternity Houses and Pan-Hellenic Building should be directed to the Interfraternity Council and Pan-Hellenic Council, respectively.

5-3. Referendum Campaign Guidelines

1. All referendum campaigns must be registered with the Elections Commission; registration is done by attendance of the Mandatory Writing Workshop by the author of the referendum.

2. To qualify as an organizational referendum, an organizational authorship form must be filled out completely and include all appropriate signatures.
3. Only enrolled undergraduates who have paid their Student Activity Fee may participate in referendum campaigns, including the wearing or distribution of campaign materials.
4. A referendum shall abide by all rules governing candidates unless stated otherwise.
5. The Elections Commission may, at their discretion, issue a Cease and Desist order for the entire campaign, subject to approval by the Supreme Court, if a referendum campaign fails to comply with the rules herein.
6. A majority of votes in favor of a referendum shall be required for the referendum to be adopted.

5-4. Run-Off Elections

1. A run-off election will be held in the event two candidates running for the same Senate seat receive the same highest number of votes or if no candidate running for an Executive office receives a majority of the votes cast.
2. The run-off election shall not be considered a new election. All point limits and guidelines shall still be in effect. Points assessed shall carry over to the run-off.
3. Expenditures during run-off elections shall be limited to a total retail expenditure per campaign of \$500 regardless of the amount of money spent during the election
4. All revisions to graphic campaign material must be approved by the Elections Commission before said material may be redistributed.
5. An additional financial report must be submitted by all independent candidates and tickets by 10:00 A.M. on the last day of voting in case of a run-off election regardless of the additional amount of money spent.

Section 6. Enforcement

6-1. Election Commission Procedures

1. Any University of Miami student may bring notice of any Elections Code violation to the attention of the Elections Commission up until one (1) hour after the polls close on the last voting day. The complaint must be in writing citing all relevant facts regarding the alleged violations.
2. The complaint shall be submitted to the Elections Commission, which shall determine whether probable cause exists. If probable cause exists, a hearing shall be scheduled in which all sides involved in the complaint shall appear before the Trial Court.
3. Elections Code violations must be notified to the Elections Commission up to 48 hours from the time of their occurrence.

6-2 Trial Court Procedures

1. The Trial Court shall be a standing committee of the Student Government Supreme Court. The Trial Court shall be composed of the Associate Chief Justice, acting as Chairperson of the Trial Court, and three (3) Associate Justices. The Chairperson shall participate in all hearings of the panel; quorum for trial court will consist of the chair person and two (2) associate justices.

2. All parties involved in hearings before the Trial Court shall be served notice of the time, location and nature of the Trial Court hearing. The Elections Commission must confirm receipt of notice by 12:00 PM on the day of the trial or at the discretion of the Court with approval of both parties.
3. Hearings shall commence at 9:00 PM and end no later than 12:00 AM.
4. All parties shall be sworn in prior to the start of the first hearing of the night.
5. At the hearing, the Elections Commission shall present a case for prosecution and the respondent shall be allowed to present a case in response. The Trial Court shall determine responsibility and assess a penalty or dismiss the complaint. All decisions of the Trial Court are to be expressed and explained in writing and are public information.

6-3. Supreme Court Procedures

1. The Student Government Supreme Court shall have final appellate jurisdiction. The Supreme Court may hold a public, formal hearing for all appeals properly submitted. Appeals to the Supreme Court must be submitted in writing within twenty-four (24) hours of the decision by the Trial Court. All parties involved shall be served reasonable notice of the time, location and nature of the Supreme Court hearing.
2. There shall be three grounds for appeal:
 - a. The procedures of or leading to decisions by the Elections Commission or Trial Court violated the Elections Codes.
 - b. The penalty does not properly reflect the severity of the violation.
 - c. New evidence has become available that would significantly alter the outcome.
3. In all appeals properly submitted, the Supreme Court may affirm the decisions of the Trial Court, reverse and remand the decision with instructions, or reassess the point distribution.
4. Supreme Court Justices hearing a case as members of the Trial Court shall be prohibited from personally participating in the appellate hearing of the same case in any manner whatsoever.

6-4. Violations and Penalties

1. The Trial Court shall be empowered to penalize independent candidates, tickets and referenda for violations stated within these Elections Codes.
2. Penalties, in the form of points, shall be based on the severity of the violation.
3. In assessing penalty points, the Trial Court shall levy up to, but not more than the maximum stipulated by this section. For multiple offenses of the same violation, the Trial Court may, but is not required to, combine the penalties for all such offenses.
4. The accumulation of twenty (20) points shall disqualify any independent candidate, ticket or referendum. Any penalties assessed to a ticket or candidate, will be charged to the ticket.
5. The Elections Commission shall charge candidates, tickets, or campaigns with Automatic Disqualification.

6-5. Violation Point Values

Five-Point Violations

1. Violation of Section 5-2. (Clause 5)
2. Violation of Section 5-2. (Clause 10)
3. Violation of Section 5-2. (Clause 11)
4. Violation of Section 5-2. (Clause 12)
5. Violation of Section 5-2 (Clause 19)

6. Violation of Section 5-2.2. (Clause 2)
7. Violation of Section 5-2.2. (Clause 4)
8. Violation of Section 5-2.3. (Clause 4)
9. Violation of Section 5-2.3. (Clause 5)
10. Violation of Section 5-2.3. (Clause 6)
11. Violation of Section 5-3. (Clause 3)

Ten-Point Violations

1. Violation of Section 5-1.3 (Clause 3)
2. Violation of Section 5-2. (Clause 8)
3. Violation of Section 5-2. (Clause 13)
4. Violation of Section 5-2. (Clause 16)
5. Violation of Section 5-2. (Clause 18)
6. Violation of Section 5-2.2. (Clause 3)
7. Violation of Section 5-2.3. (Clause 1)
8. Violation of Section 5-2.3. (Clause 2)
9. Violation of Section 5-2.3. (Clause 3)
10. Violation of Section 5-2.4.
12. Violation of Section 5-3. (Clause 2)
13. Violation of Section 5-3. (Clause 4)

Fifteen-Point Violations

1. Violation of Section 5-1.3 (Clause 1)
2. Violation of Section 5-2. (Clause 2)
3. Violation of Section 5-2. (Clause 9)

Twenty-Point Violations

1. Violation of Section 3-2.
2. Violation of Section 4-1.
3. Violation of Section 5-2. (Clause 1)
4. Violation of Section 5-2. (Clause 3)
5. Violation of Section 5-2. (Clause 4)
6. Violation of Section 5-2. (Clause 6)
7. Violation of Section 5-2. (Clause 7)
8. Violation of Section 5-2. (Clause 14)
9. Violation of Section 5-2. (Clause 15)
10. Violation of Section 5-2. (Clause 17)
11. Violation of Section 5-2.3. (Clause 7)
12. Violation of Section 5-2.2. (Clause 6)
13. Violation of Section 5-2.2. (Clause 5)
14. Violation of Section 5-3 (Clause 1)
15. Violation of Section 5-4 (Clause 1)

Subject to Automatic Dismissal

1. Falsification of any document submitted to the Elections Commission, Trial Court or Supreme Court
2. False testimony to the Elections Commission, Trial Court or Supreme Court
3. Falsification of ballots or similar forms of election fraud
4. Violation of Section 3-4
5. Violation of Section 4-2
6. Violation of Section 5-4 (Clause 5)
6. Violation Section 3-2.6 Missing a Mandatory Meeting
7. If a candidate feels that he or she has been wrongly automatically dismissed, the candidate has the right to submit a written appeal to the Chief Justice of the Supreme Court within twenty-four (24) hours of notification of automatic dismissal. If the Chief Justice of the Supreme Court decides the appeal has merit, the case will be brought before the Student Government Supreme Court. The appellate court has the authority to allocate points in lieu of automatic dismissal. The decision of the Supreme Court may not be appealed.