

**STUDENT GOVERNMENT ASSOCIATION  
UNIVERSITY OF MISSOURI-KANSAS CITY  
ELECTION CODE  
AMENDED FALL 2008**

**Article I: DEFINITIONS**

Section 1: The definitions in this section shall apply throughout the entire document and are to be considered in accordance with the SGA Constitution and any other SGA official documents.

- A. *SGA* is the Student Government Association of the University of Missouri-Kansas City as defined by its charter and constitution.
- B. *Ballots* shall be defined as University documents for the purposes of the Executive Council and Divisional Council elections.
- C. *Ballot box stuffing* is the misrepresentation of a student's vote, voting more than once or otherwise altering the outcome of the election vote count.
- D. *Candidate* is any person having duly filed for the purpose of running for the offices of the SGA Executive Council elections or divisional elections.
- E. *Divisional Councils* shall include the College of Arts and Sciences, School of Biological Sciences, Bloch School, School of Computer Science and Engineering, Conservatory, School of Medicine, School of Pharmacy, School of Nursing, School of Dentistry, School of Education, School of Law, Greek Council, International Student Council, Residence Halls, or any other element which is designated and recognized to be represented to the SGA.
- F. *Electioneering* is an attempt to influence opinion of a candidate or an individual's vote through verbal or non-verbal communication or the distribution of campaign materials.
- G. *Endorsement* is a statement of support by a person or group for a particular candidate, slate or party in an SGA Executive Council or Divisional Council election.
- H. *Full-time employment* shall be determined by Human Resources Department of the University of Missouri-Kansas City.
- I. *Group* is an association of persons who may or may not be directly involved with the University of Missouri-Kansas City.
- J. *Party/ Slate* is a group of candidates who have agreed to run their candidacies as a unit under one name for the SGA Executive Council election or divisional council elections.
- K. *Organization* is a UMKC body or constituency which includes, but is not limited to, the University recognized campus organizations, SGA recognized student organizations, and the other organizations which are qualified to receive University funding through the student activity fee.
- L. *Student Senate* is comprised of the representatives from each of the divisions of the university as defined in the SGA Constitution.
- M. *Vote buying* is the exchange of money, goods, services or otherwise for a vote or promise of a vote.

N. *Vote fraud* is the unnatural altering of an election outcome through illegal or inappropriate means.

O. *Week* consists of Monday through Friday and does not include Saturday, Sunday or University recognized holidays.

Section 2: Any terms not specifically defined within this Code are to be defined by their plain meaning.

## **Article II. THE ELECTION DIRECTOR**

Section 1: The Student Government Association (SGA) Student Senate shall employ a duly enrolled student as SGA Election Director. The Director shall be the Chair of the SGA Election Board. The Director will be charged with the operation of elections as fully set out in this Code. The Director and Election Board shall exercise no power not explicitly granted by this Code.

Section 2: The Election Director shall be an employee of the Student Government Association.

## **Article III: SELECTION OF THE ELECTION DIRECTOR**

Section 1: The Executive Board will properly advertise the positions availability one month before conducting interviews with the Student Senate.

Section 2: The President of the Student Government Association will collect applications for the position of Election Director. The President will present all applications to the Student Senate.

Section 3: The Student Senate is responsible for conducting interviews with each candidate during the month of October. A final decision for the selection of a new director must be rendered by the Senate at the time of its first regularly scheduled meeting in November. After his/her selection in November, the new Election Director will assume the duties of the position on December 1.

Section 4: A simple majority vote of the Student Senate may serve to hire an Election Director.

Section 5: The Election Director must meet minimum eligibility requirements, including a cumulative GPA of 2.5 and six credit hours of current enrollment, and must not be on student conduct disciplinary action or honor code probation. The requirement to be enrolled in six credit hours will be waived for Doctoral students who have completed their formal degree course work, have passed their comprehensive or matriculation examination, and are continuously enrolled in at least one hour of research in the Fall and Winter semesters. Potential candidates must have accumulated 12 hours of credit at UMKC before filing for office.

Section 6: The Election Director may serve for a full term of service, which will end on December 1 of the following year. There is no limit to the number of terms a person may serve as Election Director as long as he/she remains a student, but the position must be re-opened and re-advertised by the Executive Council on an annual basis.

## **ARTICLE IV: SALARY OF ELECTION DIRECTOR**

Section 1: The salary of the Election Director is \$1,000.00. This salary will be paid in two (2) installments as the work of the Director is completed. The first installment of \$500.00 will be paid during the month of May (considered first semester) and the second installment of \$500.00 will be paid in October (considered second semester).

Section 2: The Student Senate shall review this salary annually, at the first meeting in October.

Section 3: The Election Director is responsible for appearing before the Senate as requested (a minimum of three times a semester) to report on the work they have completed and their plans for any upcoming elections.

Section 4: The Senate has the responsibility to adjust or withhold the Director's salary as necessary if the employee fails to meet established deadlines or fails to uphold their responsibilities as outlined in the Election Code. Any such adjustments of salary require a two-thirds (2/3) vote of the Senate.

Section 5: The Student Senate may, if two-thirds (2/3) of the Senate members concur, dismiss the Election Director prior to the regular end of the term of office. If this occurs, the Election Director will cease to be paid the amount for the semester in which they were dismissed.

## **Article V: SELECTION OF THE ELECTION BOARD**

Section 1: It is the duty of the Election Director to appoint and dismiss any members of the Election Board according to his/her estimate of the election workload and in adherence to University and SGA hiring procedures.

Section 2: The Board must consist of at least the minimum number of three voting members, (the Director, plus two Members). One member of the Executive Board must be a representative from Hospital Hill.

Section 3: At least two academic divisions of the University must be represented on the Board at the minimum level. The Director is responsible for assuring that a Board with multiple members represents a multiple number of divisions. However, the Election Board shall always consist of an odd number of members.

Section 4: The Director may dismiss members at any time, but must have a replacement ready prior to dismissal.

Section 5: All member of the election board must meet minimum eligibility requirements, including a cumulative GPA of 2.5 and six credit hours of current enrollment, and must not be on student conduct disciplinary action or honor code probation. The requirement to be enrolled in six credit hours will be waived for Doctoral students who have completed their formal degree course work, have passed their comprehensive or matriculation examination, and are continuously enrolled in at least one hour of research in the Fall and Winter semesters. Potential candidates must have accumulated 12 hours of credit at UMKC before filing for office.

Section 6: No election board member can have been a candidate for, or held any, SGA Executive elected office within the preceding nine months and is not, or has not been within the preceding six months, an employee of the University of Missouri in a full-time administrative, faculty or staff level position.

## **Article VI. ELECTION BOARD RESPONSIBILITIES**

Section 1: It is the duty of the Election Board to advertise, conduct candidate filing for, establish and maintain polling places for, tally and certify to the Senate the results of all elections requiring a student body vote. Annual Executive Elections, student referenda, recall elections, special elections, and Constitutional changes.

Section 2: It is the duty of the Election Board to be AVAILABLE to divisional councils or governing bodies if such councils or bodies request the Board to fulfill the above duties for their annual elections for council members and/or officers within their divisions or bodies.

Section 3: The Board retains the option to advertise in any areas of the University that they deem as appropriate and advantageous to the election (e.g. the University sponsored radio station, the University sponsored Newspaper, divisional council publications, etc.)

Section 4: The Election Board shall begin advertising five full school weeks prior to each Executive Council Election. The entire period of time said candidates may campaign.

Section 5: The date of any election shall be set by the Election Board and Executive Council, with Senate approval.

Section 6: The Election Board shall designate polling places and times with one polling place in the Residence Halls, and the University Center, with Senate approval.

Section 7: The Election Board shall be responsible for establishing and maintaining polling places and times in such a way that every eligible day and night student has a reasonable opportunity to vote. Such established polling places shall operate during the hours agreed upon by the Election Director and the Senators of the divisional council at each location and shall be continuously supervised while open.

Section 8: The Election Director is responsible for the entry of all pertinent election data into the online voting system under the supervision of the Student Life Office Director or his/ her designee.

Section 9: The Election Director is personally responsible for consulting with the divisional council Senators to determine the best locations for polling places.

Section 10: The Election Director and Associate Board Members are responsible for appearing before the Superior Court, the Student Senate or divisional councils when summoned and are expected to cooperate in every manner possible.

Section 11: The Election Board is responsible for preparing, printing and accounting for all ballots.

Section 12: The Election Board is responsible for counting all ballots as soon as possible after the polls have closed IN THE PRESENCE OF AN OFFICIAL REPRESENTATIVE OF THE STUDENT AFFAIRS DIVISION OF THE UNIVERSITY.

Section 13: The Election Director may appoint additional auxiliary workers to count paper ballots as needed. Only upon proper order by the Superior Court, shall the Election Board halt or delay the counting of ballots or reporting the election results.

Section 14: The Election Board is responsible for publicizing the election results as soon as possible and certifying the same to the Student Senate or to the appropriate divisional council at the next regular Senate meeting.

Section 15: The Election Board is responsible for employing a minimum of one auxiliary worker to staff every polling place AT ALL TIMES that said place is open for voting.

Section 16: It is the duty of the Election Director to be present at the Student Senate meetings when proposed elections are to be discussed.

## **Article VII: ONLINE VOTING**

Section 1: The Election Board may conduct an online balloting process for any election. In these situations the Board still follows all existing procedure for advertising the election. The Board must use all technical

means to publicize this event and make it accessible for all students. A detailed plan for this type of election must be submitted to the Student Senate six weeks prior to the start of polling.

## **Article VIII: EXECUTIVE COUNCIL ELECTIONS**

Section 1: The Election Board shall prepare, print and collect candidate declaration forms by a specific deadline to be established by the Board. Candidates will be listed on the ballot in the order in which they file. The Student Life Office shall date stamp each filing by a candidate. For the purpose of this Code, official filing shall consist of providing the proper and completed filing materials to the Student Life Office.

Section 2: In the annual Executive Council elections, candidates for the offices of President and Executive Vice President shall run and be elected as a slate, and their names will appear on the ballot together to be voted on as a unit. The candidates for the offices of Administrative Vice President and Comptroller shall be elected separately.

Section 3: In administering the annual Executive Council election, the Election Board shall collect a campaign statement not to exceed 500 words from each candidate. The Election Board shall make said statements publicly available, for the entire period of time during which candidates may campaign.

Section 4: The Election Board shall conduct a mandatory meeting for all candidates at five (5) pm of the same day that filing ends. Copies of this Code, the Student Life Office Rules for Election Publicity, the Student Organization Conduct Code of the University of Missouri-Kansas City, the Student Conduct Code of the Collected Rules and Regulations of the University of Missouri, and all other required forms are to be distributed to those candidates at the stated mandatory meeting, and each candidate will be required to sign an acknowledgement that he/she has received said materials. Notwithstanding the dictates of this section, all candidates are conclusively presumed to know the provisions of ALL materials received.

Section 5: In administering the annual Executive Council election, the Election Board shall be responsible for collecting, preparing, printing, and making publicly available a candidate spending report form. All candidates shall make a good faith effort to fully complete the spending report, and every candidate must file the completed report form no later than five (5) business days after the election.

## **Article IX: RESTRICTIONS**

Section 1: Under NO circumstances may the Election Board or its Director perform any of the following acts or omissions except upon proper order of the Superior Court:

- A. Remove any candidate's name from the ballot once placed there.
- B. Halt the count of all ballots.
- C. Exercise any adjudicative or rule-making power beyond those specifically granted by this Code.
- D. Fail to provide or make available to candidates and others any of the forms required to be distributed by this Code.
- E. Run for, or be appointed to, any Executive Council position without having resigned or been removed from the Election Board at least four (4) weeks prior to such an appointment of filing of declaration of candidacy.
- F. Fail to list a candidate on the ballot if said candidate has filed his/her completed declaration forms by the deadline.

## **Article X: CANDIDATE QUALIFICATIONS**

Section 1: Any person authorized by the SGA Constitution, and not otherwise disqualified by the provisions of this Code and University regulations, may run for Executive Council office and must be issued the proper candidate filing forms for timely application.

Section 2: Officers must meet minimum eligibility requirements, including a cumulative GPA of 2.5 and six credit hours of current enrollment, and must not be on student conduct disciplinary action or honor code probation. The requirement to be enrolled in six credit hours will be waived for Doctoral students who have completed their formal degree course work, have passed their comprehensive or matriculation examination, and are continuously enrolled in at least one hour of research in the Fall and Winter semesters. Potential candidates must have accumulated 12 hours of credit at UMKC before filing for office.

## **Article XI: CONSEQUENCES OF FAILING TO FILE THE PROPER FORMS**

Section 1: Any candidate failing to properly and truthfully file the forms and reports required by this Code may be removed from the ballot or, if elected, restrained from taking office. The Superior Court, upon proper application, may order such sanctions.

## **Article XII: ACTIONS SANCTIONED BY THE SUPERIOR COURT**

Section 1: Any candidate may be stricken from the ballot or, if elected, restrained from taking office if proven, by competent and admissible evidence presented to the Superior Court upon proper application, to have engaged in vote fraud, ballot box stuffing, vote buying or electioneering within 25 feet of a polling place.

Section 2: Any candidate may be stricken from the ballot or, if elected, restrained from taking office if proven upon proper application to the Superior Court, that persons operating on behalf of said candidate with said candidate's knowledge to have engaged in vote fraud, ballot box stuffing, vote buying or electioneering within 25 feet of a polling place UNLESS said candidate notifies or reasonably attempts to notify the Election Director immediately that he/she is aware of the violation and is not personally involved.

Section 3: A recall election may be ordered by the Superior Court if proven upon proper application to the Superior Court, that persons operating on behalf of any candidate, slate or party without said candidate's, slate's or party's direction or knowledge to have engaged in vote fraud, ballot box stuffing, vote buying or electioneering within 25 feet of a polling place AND which was found by a preponderance of the evidence to be the deciding factor in the election of said candidate, slate or party.

## **Article XIII: ACTIONS SANCTIONS BY THE UNIVERSITY**

Section 1: Offenses listed in this Code, violations of the Student Organization Conduct Code of the University of Missouri-Kansas City, or violations of the Collected Rules and Regulations of the University of Missouri (specifically the Student Conduct section), as well as any civil or criminal violations, shall be grounds for collateral and appropriate disciplinary action by the University. Any individual found to be responsible for any damage to the University or a Recall Election shall be held liable for the costs associated with these violations.

## **Article XIV: NON-EXCLUSIVITY OF LIABILITY**

Section 1: No part of this Code shall be interpreted to mean adherence to it will relinquish one from any civil or criminal liability or disciplinary action by the University of Missouri. The provisions of this Code are intended only to be minimum requirements for an orderly and free election, and failure to proscribe any act or course of conduct is not to be interpreted as a license to act in a manner contrary to the laws of the United States of America, laws of the State of Missouri or University regulations. Neither this section, nor this Code creates any additional offenses not elsewhere stipulated by this Code.

## **Article XV: SLATE/PARTY**

Section 1: Candidates may join with others and run their campaign in concert as a slate or party. A consent form must be signed and filed with the Election Board and the Student Life Office by each candidate who wishes to run as a slate or party. The name of the slate or party may appear on the ballot at the candidate's request. Campaign materials containing the name or alliance of the slate or party may be distributed by said candidates or other persons operating on behalf of said candidates only after the consent form has been signed and filed.

## **Article XVI: BALLOT FORM**

Section 1: Slate or party names may appear on the ballot. However, under no circumstances shall any slate or party's name appear on the ballot unless a candidate has signed and filed the consent form under the slate or party's name. No names, individual or otherwise, shall appear on the ballot, which were not timely filed. No surveys or additional questionnaires shall be commingled with an SGA election or election ballot. Only the following may appear on the Executive Council election ballot:

- A. Name and date of the election.
- B. Name of the offices the candidates are seeking.
- C. Names of FILED candidates.
- D. Names of CANDIDATE-RELATED slates or parties.
- E. Timely submitted referenda or initiatives.

Section 2: Spaces for write-in votes are to appear on the election ballot. A candidate must have filed in order to be an OFFICIAL candidate, therefore NO WRITE-IN CANDIDATE may be declared the winner of an election, unless and until such person is certified by the Student Life Office as meeting all eligibility requirements for the office to which he/she has been elected, accepts the office to which he/she has been elected, has properly filed ALL of the required election-related forms within three (3) business days after the election.

Section 3: All ballots used for an election, initiatives, referendums, or recalls must state: "Only votes cast on the ballot (including write-ins) will count. Abstaining from voting on any part of the ballot will not count for or against a ballot item."

Section 4: Appearing below is an example of the ballot format for the SGA Executive Board election, as prescribed by this election code.

STUDENT GOVERNMENT ASSOCIATION  
EXECUTIVE COUNCIL ELECTION BALLOT  
April \_\_\_\_\_ and \_\_\_\_\_, 20\_\_\_\_\_

**Instructions:** Voters please check the box to the left of the name of the candidates you wish to vote for.

For SGA President and Executive Vice President: (elected together as a slate)

	<u>Ann Able and Bob Belt</u>	
	<u>Dan Diligent and Ernest Eager</u>	(ABC Party)
	<u>Frank Fast and Janet Jones</u>	(XYZ Coalition)
	_____ and _____	write-in candidates

For SGA Administrative Vice President: (vote for one)

	<u>Cathy Competent</u>	(ABC Party)
	<u>Mark Miller</u>	(XYZ Coalition)
	_____	write-in candidate

For SGA Comptroller: (vote for one)

	<u>Ned Norris</u>	
	<u>Howard Hughes</u>	
	_____	write-in candidate

**Article XVII: ORGANIZATION ENDORSEMENTS**

Section 1: A candidate, slate or party may seek and obtain the endorsement of or be any person, group or organization. However, campaign materials may contain no mention of an endorsement not in fact given.

Section 2: Any candidate who posts or permits posting of false endorsements or false acknowledgements of opposition shall be grounds for sanctions by the Superior Court.

Section 3: Any individual, not a candidate, who posts false endorsements or false acknowledgements of opposition of a candidate, slate or party shall be subject to disciplinary proceedings by the University.

**Article XVIII: DISTRIBUTION OF CAMPAIGN MATERIALS**

Section 1: A person may display or distribute campaign materials in any manner or place permitted by the Student Life Office Rules for Election Publicity. Campaign materials violating said rules for Publicity or University regulations may be confiscated or destroyed ONLY by the Election Director, and the Director of the Student Life Office.

**Article XIX: ELECTION DATE**

Section 1: The date of the Executive Council election shall be during the month of April and with the Senate’s approval

Section 2: The date shall be set at the first regularly scheduled senate meeting in January.



Section 3: The election date of any and all University-wide referendum votes, constitutional votes or special elections shall be set by majority vote of the Student Senate.

Section 4: ONLY the Student Senate may set the date of referendum elections, constitutional votes or other special University-wide elections. The Executive Council and the Election Board are absolutely bound by the dates set by the Student Senate for these types of votes or elections.

Section 5: Divisional councils may NOT hold their elections on the same days as the Executive Council election. More than one divisional council election may be held on any other school day during the school year, and the Election Board may administer both elections, if requested to do so by said divisional councils.

## **Article XX: VOTING INSTRUCTIONS**

Section 1: If ballots marked in such a way as to be inconclusive as to whom the person intended to vote to fill a particular office shall not be counted for that office.

Section 2: Eligible students are allowed only one vote per election.

Section 3: The Election Board is responsible for developing an obvious method for identifying those students who have voted, in order to prevent students from voting more than once in the same election.

Section 4: A plurality vote is sufficient to elect any Executive Council officer, Representative or divisional council or governing body officer or representative, unless the divisional council or governing body in question has altered this requirement in its own constitution.

Section 5: Personal computer polling stations are not allowed.

## **Article XXI: POLL WORKERS**

Section 1: The Election Director with consultation of the Election Board will accept applications for poll workers. The selection of poll workers will be based on the ability to communicate with voters and the applicants' general knowledge of the election process.

Section 2: The poll workers are required to go through a training process that informs them both of the process of the election and the appropriate information required to answer "frequently asked questions."

Section 3: The Election Director should also publish a list of appropriate behavior for poll workers that would preclude the poll workers from talking on phones or listening to headphones while working their polling station. Other best practices should be added as necessary.

## **Article XXII: SUCCESSION**

Section 1: In the Executive Council election, if a candidate for the office of Administrative Vice President or Comptroller is stricken from the ballot or restrained from taking office, the President will choose a replacement, to be approved by a two thirds (2/3) vote of the Senate.

Section 2: If the candidate for the office of Executive Vice President is stricken from the ballot or restrained from taking office, the President will choose a replacement, to be approved by a two thirds (2/3) vote of the Student Senate.

Section 3: If the candidate for the office of President is stricken from the ballot or restrained from taking office, the person who ran with him/her as Executive Vice President shall then assume the office of President and choose a replacement for the vacancy in the office of Executive Vice President, to be approved by a two-thirds quorum vote of the Student Senate.

Section 4: If both the candidate for the office of President and the candidate for the office of Executive Vice President are stricken from the ballot or restrained from taking office, there shall be a new election for these specific positions.

### **Article XXIII: CANDIDATE RESIGNATION BEFORE ELECTION**

Section 1: If a candidate for the office of President steps down before the election starts, but after the filing deadline, the candidate stepping down is stricken from the ballot along with the stipulation that no replacement candidate will appear on the ballot; it will remain blank. The candidate running for the position of Executive Vice President, if he/she wins the election, would then assume the role of President and appoint a new Executive Vice President to fill that vacancy. Said replacement is subject to approval by a two-thirds (2/3) vote of the Student Senate.

Section 2: If a candidate for the office of Executive Vice President steps down before the election starts, but after the filing deadline, the candidate stepping down is stricken from the ballot along with the stipulation that no replacement candidate will appear on the ballot. The candidate running for the position of President, if he/she wins the election, would then appoint the new Executive Vice President to fill that vacancy. Said replacement is subject to approval by a two-thirds (2/3) vote of the Student Senate.

Section 3: If the candidate for the office of Administrative Vice President or the candidate for the office of Comptroller resigns before the election, but after the filing deadline, and said candidate is running on a party or slate, the vacant spot cannot be filled.

### **Article XXIV: USE OF UNIVERSITY FUNDS**

Section 1: The fiscal authority for financing for all Executive Council elections lies solely with the Executive Council.

Section 2: The Election Board and ONLY the Election Board shall be authorized to expend University funds in the execution of their duties under this Code.

Section 3: Any candidate, slate or party, or persons operating on behalf of candidates are STRICTLY prohibited from utilizing ANY University funds or equipment for the purpose of promoting the election of any candidate, slate or party. Any person who is found to be in violation of this provision shall be subject to appropriate sanctions.

Section 4: The Election Director should formulate an annual budget for conducting Executive Council elections and submit this proposal to the Executive Council.

Section 5: The divisional council holds the same fiscal authority as the Executive Council and is responsible for financing its own elections.

## **Article XXV: RECALL ELECTION**

Section 1: In a proper recall election, the candidates on the ballot must be the same candidates offered in the original election that has been protested.

Section 2: If an original candidate is not eligible to run at the time of the recall election, no substitute candidate shall be allowed except as stated in Section 3. The remaining original candidates shall participate in the recall election or, if there are no other candidates, the remaining original candidates shall be declared the winner by default.

Section 3: The President and the Executive Vice President are elected as a ticket. If one or the other original candidates is not eligible to run at the time of the recall election the candidacy of both the Presidential and Executive Vice Presidential candidates shall be invalidated.

Section 4: The remaining original Presidential and Vice Presidential candidates shall participate in the recall election or, if no other candidates participated in the original election, the remaining candidates shall be declared the winners by default.

Section 5: A candidate, who was part of an original ticket, may be excused from running and another candidate substituted ONLY under drastic unforeseen conditions, such as extreme illness, death, extreme mental duress, extreme financial difficulties or other such circumstances. The Election Director will make the final decision.

Section 6: Protests must be submitted in writing to the Chief Justice of the Superior Court within five (5) business days of the released election results, with the final decision being reached within two (2) months of the submission.

## **Article XXVI: CANDIDATE FORUM**

Section 1: The Election Board shall sponsor a forum or debate with the prospective Executive Council candidates.

Section 2: The forum or debate shall be at least five school days before the election. The event is not to exceed two hours in length. The Election Board shall make all arrangements pertaining to the forum.

Section 3: The event is to be publicized two weeks in advance.

Section 4: The Election Director shall be the moderator for the event unless he/she is unable to officiate and then he/she may appoint a replacement.

Section 5: The first forty-five minutes are devoted to open debate between the participating candidates. The moderator should divide time evenly between the candidates.

Section 6: At least thirty minutes are to be devoted to questions from the audience.

Section 7: Answer time shall be limited to three minutes for each candidate or slate.

Section 8: The last 15 minutes of the debate will be dedicated to closings, with the 15 minutes divided equally among the slates.