



Election Rules

Policy Information

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Category: Student Association

Contents

Policy Information	1
DEFINITIONS.....	2
RESPONSIBILITIES.....	2
QUALIFICATIONS.....	3
CANDIDATE STATEMENTS.....	3
ELECTION RULES AND PROCEDURES	3
CAMPAIGNING AND ENDORSEMENTS	7
ELECTIONS AND CREDENTIALS: JURISDICTION AND AUTHORITY	8
REVIEW OF ALLEGED VIOLATIONS.....	9
VIOLATIONS AND THEIR RECOMMENDED SANCTIONS	9
SAVINGS CLAUSE	10

DEFINITIONS

- a) **SA** - University at Buffalo Student Association Inc.
- b) **E&C** - Elections and Credentials
- c) **Party/Slate** - Any group of students running for office under one label or group name and/or any group of students that advertises their candidacy together in one advertisement.
- d) **Independent Candidate** - A candidate that is not affiliated with a party/slate.
- e) **Expenditure Report** - A list of all monies spent in support of an individual or party candidacy. It must itemize all expenditures and include receipts.
- f) **Campaigning** - Any actions that a candidate or party takes in an attempt to gain votes, from the general public, in the SA election shall be considered campaigning. This does not include private preparation prior to the start of the campaign period, which shall be set by Elections and Credentials. This also excludes collecting signatures for a candidate petition, which shall henceforth be considered "petitioning."
- g) **Flyer** - A flyer is defined as any paper material 8.5" x 11" or smaller.
- h) **Poster** - A poster is defined as any paper material larger than 8.5" x 11" but no larger than 11" x 17".
- i) **Banner** - A banner is defined as any paper material larger than 11" x 17," and may not be larger than 6' x 4'.
- j) **Defamation** - A publication or communication of a false statement that tends to injure reputation or lower a person in the view of the university community.
- k) **Slander** - verbal or spoken defamation
- l) **Libel** - written or published defamation
- m) **Abuse of Computer Resources** - Unlawful use of the computer equipment, networks or other computer resources of the State University of New York at Buffalo or SA.
- n) **Spamming** - Sending unsolicited email to listservs, multiple recipient electronic mailing lists, or individuals who the sender does not know personally. Shall also be defined as any post, account, picture, message, status, tweet, etc. associated with any candidate/party that is visible to voters online that is considered campaigning that is sent, tagging, or following any voter that the candidate does not know personally. Individuals that have subscribed or requested content of this nature shall not be considered violations of this rule.
- o) **Bribe**: money or any other valuable consideration given or promised to any undergraduate student for the student's vote or to induce such student to commit an illegal act or act in violation of these Election Rules.
- p) **Harassment**: (a) threatening violence, and/or (b) verbal abuse, and/or (c) unlawful intimidation, and/or (d) engaging in a course of conduct or repeatedly committing acts directed at another person which would seriously annoy a rational person (which is not intended to include reasonable campaign activities designed to inform the general public), and/or (e) creating a condition which endangers or threatens the health, safety or welfare of another person, and/or (f) physically restraining or detaining another person.
- q) **Election**: the period beginning when petitions for office are available and ending at the conclusion of voting and the announcement of election results.

RESPONSIBILITIES

- a) By choosing to run for office in the Student Association, a candidate is agreeing to obey to these Election Rules and to submit to the jurisdiction of the Elections and Credentials Committee and Chair and Student-Wide Judiciary in enforcing these Election Rules
- b) It is the responsibility of each candidate to read, understand, and follow these Election Rules. Ignorance of the rules shall not be an excuse for violating the rules.

- c) The candidate, the candidate's staff and supporters are all responsible for adhering to these rules. If supporters or staffs of candidates violate any of these rules the candidate or party may receive disciplinary sanctions as later set forth herein.
- d) Any candidate who holds office in a student government or club at the University at Buffalo shall not be permitted to use such position to unfairly benefit the candidate's campaign.

QUALIFICATIONS

- a) Only currently registered University at Buffalo undergraduate students shall be eligible for active membership status in student organizations. Students must be in Academic Good Standing (as defined by the University at Buffalo):
 - i) to be a candidate for elected office
 - ii) to serve in an appointed office
 - iii) to serve throughout one's elected or appointed term
- b) Recognized/registered student organizations and governments may establish additional requirements for office or membership.
- c) In order to be a candidate for Officer or Director of SA, undergraduate students must meet the following requirements:
 - i) The candidate must be a full-time undergraduate student at the State University of New York at Buffalo (a student who is suspended from UB shall be ineligible to be a candidate for elected office during the period of the student's suspension).
 - ii) The candidate must be in Academic Good Standing at UB as defined by the University.
- d) Any person who has been removed from that person's position in the Student Association based upon recall proceedings, as more particularly set forth in the SA By-Laws, may not run in any Student Association election for any position nor be elected to any position within the Student Association until after the March 1 following that person's removal from office.
- e) Continued Verification:
 - i) When a student is elected or appointed to an organization's officer position, their academic standing will be verified periodically during their term in office.
 - ii) A student will be required to forfeit appointed or elected positions the student ceases to be in Academic Good Standing while in office.
 - iii) Final eligibility verification is the responsibility of the University at Buffalo.

CANDIDATE STATEMENTS

- a) **Online/Web Presence** - SA or UB will create space on its website for the general election. SA or UB will post candidate's/party's statements/platform on this site. The Elections and Credentials Committee may set additional rules for such statements. Sustained violations may be posted on this site if determined by the E&C Committee. Spamming is prohibited. In the event of a technical problem with respect to the posting of a candidate's or party's statements, the SA Elections and Credentials committee shall take any steps they deem reasonable in order to keep the election process fair for all candidates; however, an accidental technical problem or failure with respect to a candidate's or party's statements shall not effect the results of the Election.

ELECTION RULES AND PROCEDURES

- a) **Petitions**

- i. In order to be considered as a candidate for office as an Officer a student must secure at least the following number of signatures from undergraduate UB students and return the same to the Elections and Credentials Chair or to the Elections and Credentials Chair's designee by the deadline for petition submission set by the Elections and Credentials Chair:
 - 30 per candidate until 5/31/2022
 - 100 per candidate after 5/31/2022
- ii. The petition requirements in order to run for Director in the annual fall Directors election shall be as specified in the SA By-Laws.
- iii. Those signing a petition must list their UB person number. Signatures of persons who are not University at Buffalo undergraduate students shall not be counted.
- iv. Duplicate, confusing, or illegible signatures shall be declared invalid by the Election and Credentials Committee.
- v. The Elections and Credentials Chair may allow petitions to be completed electronically online through a system administered by SA or UB, in addition to or instead of paper petitions.
- vi. Petitions must be submitted to the Elections and Credentials Chair or the Elections and Credentials Chair's designee or the SA Administrative Director or the SA Administrative Director's designee (in the SA office) before the deadline date. The Elections and Credentials Committee has the authority to authorize (or decline to authorize) acceptance of a late petition based upon proven extenuating circumstances beyond the student candidate's control. All candidates must attend the mandatory meeting where the SA Election Rules shall be distributed and reviewed, or make otherwise suitable arrangements according to the convenience and discretion of the Elections and Credentials Chair.
- vii. The Elections and Credentials Committee has discretion to declare signatures invalid and/or assign disciplinary sanctions against any candidate who does not ensure that all signatures are authentic, not forged, or signed on someone else's behalf.
- viii. The receipt of a valid petition by the deadline date listed on the petition and attendance at the mandatory meeting or suitable alternative determined by the Elections and Credentials Chair entitles the candidate to have the candidate's name placed on the ballot, so long as the candidate is otherwise eligible under these Election Rules.
- ix. The Elections and Credentials Chair (or the Elections and Credentials Chair's designee) shall be responsible for determining the validity of all petitions.
- x. The Elections and Credentials Committee shall retain jurisdiction throughout the Election period.

b) Party

- i. Any group of candidates that chooses to campaign as a party, or any group of candidates that the Elections and Credentials Chair deems to be acting as a party, must declare their party status at the mandatory meeting for candidates.
- ii. A party is responsible for its own party publicity. The party name shall appear on the ballot alongside the candidates' names. The space on the ballot limits the number of characters to 15, so only the first 15 characters of a party's name will be displayed.
- iii. An independent candidate may request to have words placed on the ballot alongside the candidate's name. There is a limitation of 15 characters.
- iv. Party names must be unique in any given election. The first candidate to submit a petition with a party name shall have exclusive rights to that name for the election. Party names may not be obscene, offensive, or in violation of any laws. Candidates

are prohibited from using any previous party's name (if that name was used in a UB undergraduate student government election at any time during the preceding year) unless more than 50% of that previous party gives written permission for use of the party name. Proof that permission has been given must be provided to the Elections and Credentials Committee prior to, or during the mandatory meeting.

- v. The Elections and Credentials Committee shall determine the validity of all party names.

c) Ballots

- i. The order of the names on the ballot shall be determined by drawing at the mandatory meeting for candidates.
- ii. The official ballots and/or voting machine shall be procured by the Elections and Credentials Chair and shall be kept secure until and during the Election.

d) Voting Procedures

- i. Every University at Buffalo undergraduate student is entitled to vote. Undergraduate student status may be verified according to such methods determined by the University at Buffalo and/or SA Elections and Credentials Committee.
- ii. Students shall vote online through a system to be administered by the University at Buffalo. In the event that the University at Buffalo is unable to administer such election, Students shall vote by machine. In the event of an extended mechanical failure of a machine, voting may take place by paper ballot.
- iii. No student shall vote more than once in each election.
- iv. The Polling Area is the area extending 50 feet in all directions around the voting machines, unless otherwise determined by the Elections and Credentials Committee. This area shall be clearly marked by tape on the floor or other means. However, if the election takes place online, there shall not be deemed to be a "Polling Area".
- v. No campaigning shall take place within the Polling Area. Any campaign literature found in the Polling Area should be removed by the poll sitters.
- vi. Persons manning the polls shall take reasonable steps pursuant to the directions of the Elections and Credentials Chair to:
 - 1) Verify the identity of those voting.
 - 2) Verify the voter's eligibility.
 - 3) Not express an opinion on the candidates or issues to the voters.

e) Tabulations

- i. Blank, illegible, or confusing ballots shall not be counted in any tabulation.
- ii. If voting machines have been determined by the Elections and Credentials Committee to have been tampered with, then the election shall be declared invalid by the Elections and Credentials Chair.
- iii. Voting machines shall be secured at the close of each voting day.
- iv. The results of an online election administered by the University at Buffalo shall be those provided to SA by the University at Buffalo. In cases other than an online election administered by the University at Buffalo, The Elections and Credentials Committee, Elections and Credentials Chair, SA Administrative Director or Administrative Director's appointee, one Executive Officer that is not a candidate, and others chosen by the Elections and Credentials Committee, shall tabulate all ballots to be verified by the SA attorney. In the event that all three current SA officers are candidates in the election, the tabulation shall proceed with all individuals above present, except an SA officer.
- v. The winner of each position shall be the candidate that receives the most votes.

- vi. After tabulation, all election materials shall be kept for 7 calendar days for public inspection.
- vii. The Elections and Credentials Chair shall release the official election results no later than 7 school days after the close of polling, except for extraordinary circumstances.
- viii. All candidates must remove all campaign materials from all locations immediately following the close of polls. Failure to remove all materials before the release of the election results may subject a candidate/party to sanctions.

f) Campaign Expenditures

- i. Absolutely no university funds or mandatory fee monies may be used towards campaigning in the SA election. This includes but is not limited to the use of any SA or SA club's equipment, computers, photocopiers, printers or other resources—except when all candidates have access to the same resources, as determined by the Elections and Credentials Chair. Candidates may not use any money or resources of other student organizations either, including but not limited to the Residence Halls Association, Campus Ministries, or Greek organizations, nor may candidates use any money or resources of any State University of New York at Buffalo office or department.
- ii. Each independent candidate or party may spend a maximum of \$500.00 on the campaign. This amount shall include the value of all campaign items contributed by any source.
- iii. Every party or individual candidate running for a Student Association position shall be required to submit an expenditure report along with copies of all receipts for campaign purchases to the Elections and Credentials Committee for verification twenty-four (24) hours prior to the end of the election.
- iv. All expenditure reports must be typed and list the vendor names, addresses, phone numbers, receipts, and a detailed description of each expenditure.
- v. In the event that goods and/or services are donated to a candidate, the estimated value of the goods and/or services shall be included in the expenditure report as an expenditure. All materials and services shall be valued at fair market prices. Any questions regarding this provision should be directed to the Elections and Credentials Chair.
- vi. It is the responsibility of each party/candidate to determine the fair market value of contributions. These determinations are subject to review by the Elections and Credentials Chair. The value of contributions shall be determined as follows:
 - 1) The party or candidate shall submit cost estimates obtained from 3 places of business which normally engage in the act of selling the donated goods or service. The lowest estimate shall be used as the value assessed for the donated goods or service and shall be deducted from the candidate's or party's expenditure limit.
 - 2) All estimates should be in writing on company letterhead, stationery, or billing slip.
 - 3) The value of services donated to a candidate/party by an individual or business that would normally require payment shall be counted as a contribution.
 - 4) Volunteer work performed by current undergraduate students shall not be counted as donated services and shall not count against the allowable amount of campaign expenditures.

CAMPAIGNING AND ENDORSEMENTS

- a) No campaigning shall take place before the date set by the Elections and Credentials Committee.
- b) These SA Election Rules and all Rules of the University at Buffalo shall govern the election, including policies on posting and computer use.
- c) Endorsements may be made (but are not required to be made) by each of the following bodies: Academic Clubs Council, International Clubs Council, Engineering Clubs Council, People of Color Clubs Council, Sports Clubs Council, Special Interest Clubs Council, and Hobby Clubs Council. Any council endorsements must comply with any rules set by the Elections and Credentials Committee. Any party/candidate seeking an endorsement from a non-SA entity must first gain approval by the Elections and Credentials committee. Further the outside agency must meet with the Elections and Credentials committee before any candidate/party meets with the outside agency.
- d) In order for a SA clubs council to endorse candidates:
 - i. The council coordinator wishing to schedule an endorsement meeting will submit that request to the E&C for approval no less than one week before the requested date.
 - ii. The E&C Committee will announce the date and time of that endorsement to all candidates and will set the rules for the endorsement presentations at the meeting.
 - iii. Each Candidate will be afforded an opportunity to present their platform and answer questions from the attending members. Afterward, a vote to endorse a candidate will be held, and the results announced by the E&C chair within 24 hours of the vote.
 - iv. If a candidate is unable to attend the endorsement they may send a representative to serve as proxy in their stead.
 - v. Endorsement meetings may take place virtually to the extent approved by the Elections and Credentials Committee.
 - vi. The E&C Chair may schedule a public debate in which members of the student association may submit questions and topics to be discussed, or ask questions of candidates directly. Candidates may also present their platform. The E&C Chair shall notify all candidates of the debate date and rules before the scheduled debate. The debate may take place virtually to the extent approved by the Elections and Credentials Committee.
- e) Permanent defacement of campaign material or university property is prohibited.
- f) No candidate, party, or representative may:
 - i. Convey false information pertaining to the election or other candidates in any way, shape or form,
 - ii. Use or threaten physical violence, or harass any other person,
 - iii. Attempt to destroy, deface, remove, or cover another candidate's or party's campaign material,
 - iv. Tamper with ballots or any election material or equipment,
 - v. Bribe or attempt to bribe any other student, or
 - vi. Seek an endorsement from any student organization, except as authorized under these Election Rules
- g) Any campaigning or publicity in forums with 10 or more non-candidates in attendance is only allowed if such event is approved by the Elections and Credentials Chair at least 24 hours prior to the event. In order to be approved, the event must involve a fair opportunity for all candidates running for a particular position to be heard (if they choose to attend and participate), utilize procedures which are reasonably fair to all candidates, and such events must adhere to all University at Buffalo and SA rules, including rules concerning the use of space on campus. The decision of the Elections and Credentials Chair with respect to

approval of the forum or its format is final and is not subject to review. SA clubs shall not host independent forums for candidates; club members shall have an opportunity to hear candidates speak at their respective club council endorsement forums.

- h) No candidate or representative may campaign in the residence halls or on-campus apartments. This includes all food areas owned by FSA in the residence halls or campus apartments, (no door-to-door solicitation, flyers under doors, no flyers hung above terrace level). Utilizing one's own dorm/apartment room, or the room of a campaign supporter with permission, for activities related to preparing for the campaign, shall not be in violation of this rule.
- i) Candidates may not engage in Spamming (as previously defined).
- j) No candidate may engage in:
 - i. Any other activity that violates any of these Election Rules, or
 - ii. Any other activity that violates any reasonable rule or sanction set by the Elections & Credentials Committee pursuant to their authority under the Elections Rules, or
 - iii. Any activity in conducting the campaign that violates any SA rule, University at Buffalo rule or applicable law.
- k) Candidates may not encourage or in any way assist any other person in doing any act which a candidate him/herself is prohibited from doing.

ELECTIONS AND CREDENTIALS: JURISDICTION AND AUTHORITY

- i. The Elections and Credentials Chair - a current undergraduate student duly appointed under the SA By-Laws shall serve as Elections and Credentials Chair and voting member of the Elections and Credentials Committee. The Elections and Credentials Chair may appoint a designee in writing to fulfill any right/obligation assigned to the Elections and Credentials Chair pursuant to these Rules, so long as the designee is a member of the Elections and Credentials Committee.
- ii. The Assistant Elections and Credentials Chair - a current undergraduate student duly appointed under the SA By-Laws, shall serve as Assistant Elections and Credentials Chair and voting member of the Elections and Credentials Committee. This is an optional position. Only an individual employed by SA may serve under this title.
- iii. The Elections and Credentials Chair and the Assistant Elections and Credentials Chair shall be regarded as a staff appointment of the executive branch. As such, this individual will be subject to the same removal procedure as other executive branch staff members.
- iv. The Elections and Credentials Committee is a group of current undergraduate students appointed by the Elections and Credentials Chair. The Elections and Credentials committee shall be comprised of an odd number of members (including the Chair), if reasonably possible.
- v. The Elections and Credentials Committee shall have the authority to extend any deadline, as they deem necessary in the interest of justice, if they deem that a student or group of students is unable to meet such deadline due to proven extenuating circumstances beyond that person(s)'s control.
- vi. The Elections and Credentials Committee shall have the authority to enforce these Election Rules.
- vii. When the Elections and Credentials Committee cites a club for hosting an illegal forum, giving an illegal endorsement, or allowing a candidate to illegally use club resources, the Elections and Credentials Committee shall duly have the authority and jurisdiction to punish that club with a fine of \$100-\$750 per offense (to be taken out of this year's club budget if

available, and regardless of prior earmarking of the money, or next year's club budget if the money is not available during the current budget year). Such a punishment shall be determined at the sole discretion of the Elections and Credentials Committee. Clubs may appeal these decisions made under this clause to the Student Association Board of Directors only, which will decide the appeal by a majority vote with whatever hearing procedures the Board of Directors Chair deems fit in the Chair's reasonable discretion.

- viii. The Elections and Credentials Committee shall be empowered to make and enforce any reasonable additional rules that should become necessary to ensure a fair and impartial election. Notice of any new rules and potential sanctions for their violations must be promptly given to all candidates.

REVIEW OF ALLEGED VIOLATIONS

- a) The Elections & Credentials Committee shall investigate any alleged violations of these Rules and assign appropriate sanctions.
- b) A candidate who receives a sanction may appeal the decision of the Elections & Credentials Committee to the Student-Wide Judiciary.
- c) The Elections and Credentials Committee has the authority and discretion to choose not to cite a candidate for a violation of these Rules. If the Elections and Credentials Committee chooses not to cite a candidate for a violation of these Rules, the matter may not be brought to the Student-Wide Judiciary (unless the allegations of wrongdoing include alleged unlawful acts by the Elections and Credentials Committee).
- d) BURDEN OF PROOF: The accused party or candidate may only be found responsible if it is proven by a preponderance of the evidence that the accused party or candidate committed the specific violation charged. If this burden of proof is not met, then the party or candidate must be found not responsible for the alleged violations.
- e) The Elections & Credentials Committee may set fair and reasonable rules for the conduct of any proceedings it conducts under these Rules. The Student-Wide Judiciary may set fair and reasonable rules for the conduct of any proceedings it conducts under these Rules.

VIOLATIONS AND THEIR RECOMMENDED SANCTIONS

- a) Upon a finding that a candidate has violated these Rules, the Elections & Credentials Committee has the power to impose the following corrective measures against the candidates as more particularly stated below:
 - i. Official Warning and/or
 - ii. Public Censure; and/or
 - iii. Reduction(s) in allowed campaign expenditures; and/or
 - iv. Limit candidate(s) and their supporters from campaigning in the Student Union at times/dates specified by the E&C Committee; and/or
 - v. Removal of the party or candidate from the election, if such remedy is specifically authorized under these Rules.
- b) Each sanction will carry an amount of sanction points and sanction(s) to be decided by the E&C Committee. Accumulation of sanction points of the course of a campaign indicates a willful and deliberate disregarding of the Election Rules of SA and may disqualify a candidate from the election.

3 sanction points: Warning and/or Public censure and/or Prohibition from campaigning in the Student Union for up to 24 hours and/or reduction of campaign expenses by up to \$50

6 sanction points: Warning and/or Public censure and/or Prohibition from campaigning in the Student Union for up to 48 hours and/or reduction of campaign expenses by up to \$100

9 sanction points: Warning and/or Public censure and/or Prohibition from campaigning in the Student Union for up to 72 hours and/or reduction of campaign expenses by up to \$200

12 sanction points: Any of the above-listed sanction(s) and/or disqualification from election.

- c) The maximum amount of sanction points for each offense shall be 3 points, except that up to 12 points may be imposed for any offense involving physical violence, bribery, tampering with ballots or SA elections equipment, or any other conduct during the election or campaign that constitutes a crime. Proof of a conviction in an off-campus legal proceeding is not required.
- d) Expulsion from the election is an extreme sanction reserved for the very most serious situations because it deprives students of their right to vote for a candidate of their choice.
- e) Liability for the Conduct of Others in the Party. If a candidate is found to have violated these Election Rules, sanctions may be assessed against all candidates running as part of that candidate's party, if appropriate
- f) Liability for the Conduct of Others Not in One's Party. When one person engages in conduct which constitutes a violation of these Rules, another person (if a candidate) is liable for such conduct when that candidate solicits, requests, commands, or intentionally aids such person to engage in such conduct, or if the candidate knows that such other person intends to commit a violation of these Rules or has committed a violation of these Rules, and the candidate fails to report the offense to the Elections and Credential Committee. A candidate who is found to be liable for the conduct of another person in violating an election rule is subject to the same range of potential sanctions as a candidate who is found responsible for actually violating that rule.
- g) Attempt. A candidate found responsible for attempting to violate an election rule is subject to the same range of potential sanctions as a candidate who is found responsible for actually violating that rule.
- h) Candidates are reminded that violations of University rules may also be subject to additional penalties from the University, and any criminal conduct may also be subject to additional penalties as provided under applicable law

SAVINGS CLAUSE

These Election Rules are intended to comply with applicable federal, state and local laws, as well as any rules duly enacted by the State University of New York and the University at Buffalo, and the SA By-Laws. In the event that any provision of these Election Rules should conflict with any applicable federal, state or local law, or the rules of the State University of New York or the University at Buffalo, or the SA By-Laws, the relevant provision of this document shall be automatically reformed and construed so as to be valid, operative and enforceable to the maximum extent permitted by law or equity while preserving its original intent, and the balance of this document shall still be valid.