

Kansas State University Student Governing Association

Elections Regulations Code

01-0101

Scope

- A. The Elections Regulations Code (this "Code") shall govern general and special elections of the Kansas State University Student Governing Association (KSU SGA).
- B. All students are bound by the Elections Regulations Code and are subject to the penalties stated for violations of this Code.

01-0102

Definitions

- A. Campaign. The term "campaign" shall mean people or action(s) organized in support or opposition to a question, candidates(s), or other campaign(s).
 - 1. People here includes, but is not limited to, candidates or write-in candidates, campaign staff, and workers
- B. Active Campaign. The term "active campaign" shall mean the state of currently performing campaign actions.
- C. Campaign Action. The term "campaign action" shall mean any action performed or directed by candidates(s) or campaign staff done in support or opposition to a question, candidate(s), or other campaign(s).
- D. Campaign Materials. The term "campaign materials" shall mean any advertisement, document, or device of any kind whatsoever intended to promote or oppose a candidate or question voted upon by the student body.
- E. Harassment. The term "harassment" shall mean continued solicitation to an individual beyond the initial communicated refusal.
- F. College. The term "college" shall mean the eight academic colleges and the graduate school on the Manhattan campus of Kansas State University.
- G. Candidate. The term "candidate" shall mean any individual who has satisfied all of the eligibility requirements to run for office in the Primary and/or General Election and has filed a declaration of candidacy with the Elections Commissioner.
- H. Write-In Candidate. The term "write-in candidate" shall mean individuals receiving votes who have not filed a declaration of candidacy for that position.
- I. Campaign Staff. The term "campaign staff" shall mean any individuals who are authorized by candidates to perform and oversee campaign actions.
 - 1. Up to 15 Presidential Campaign staffers may be registered with the Elections Commissioner on the Campaign Action Report.
 - 2. Registered staff must be qualified students of Kansas State University (as determined under this Code in 01-0103) and must not be paid for their work.
 - 3. Campaign Staff may only be registered with one presidential campaign.
- J. Campaign Worker. The term "campaign worker" shall mean any individual authorized by candidates or campaign staff to perform campaign actions.
- K. Social Media. The term "social media" shall mean any electronic platforms that allow campaigns to create a public presence to perform campaign actions and provide members of the public the ability to view and engage with the campaign.

- L. Group Messaging. The term “group messaging” shall mean any electronic platforms that allow campaigns to communicate or coordinate with defined and limited groups of people.
- M. Student Governing Association Official. The term "Student Governing Association Official" shall mean any individual holding one or more of the offices listed in 01-0106.
- N. Make Public. The term make public shall mean to publish on the KSU SGA Elections website.
- O. Major Offenses. The term “major offenses” shall include the following.
 - 1. Tampering with ballots or the electronic election system.
 - 2. Casting more than one ballot.
 - 3. Allowing a person to cast a ballot in a name other than their own.
 - 4. Deliberate submission of false or misleading information or deliberate omission of information.
 - 5. Failing to file required reports except as provided in 01-0109(F), 01-0109(G), 01-0120(B)(1), and 01-0120(C)(1).
 - 6. Harassment, intimidation, bribery, or fraud with the intent of affecting the outcome of an election.
 - 7. Libelous or slanderous statements or conduct.
 - 8. Intentional actions to mislead or obstruct the Elections Committee in the completion of their duties.
 - 9. Encouraging the commission of a major offense under this Code.
 - 10. Incurring campaign expenses that exceed the limit by more than five percent.
 - 11. Failing to comply with rulings or pay restitution.
 - 12. Campaign materials or activities that are disorderly, lewd, or indecent; breach the peace; or aid, abet, or procure another person to breach the peace on university premises or at university-sponsored activities.
 - 13. Failure to comply with the mass distribution regulation under 01-0114(A)(1).
- P. Minor Offenses. Minor offenses shall be defined as any other violations of this Code other than those in 01-0102(J).
- Q. Elections Board. The Elections Board shall be defined as voting members of the Elections Committee.
- R. Multi-Winner Election. The term “multi-winner election” shall mean any election contest where multiple equivalent seats are up for elections, such as the election of more than one senator from the same college. For the avoidance of doubt, any election where a ticket of candidates is elected to different positions is not a multi-winner election.
- S. Instant-Runoff Voting. The term “instant-runoff voting method” shall mean the ranked voting process described in Section 01-0112 and using the following definitions:
 - 1. The term “continuing candidate” or “continuing ticket” shall mean a candidate or ticket which has not been eliminated or otherwise disqualified.
 - 2. The term “exhausted ballot” shall mean a ballot which does not rank any continuing candidate or ticket or has ranked more than one candidate with the same ranking.
 - 3. The term “continuing ballot” shall mean a ballot which is not an exhausted ballot.

- 01-0103 Eligibility to Vote.
All students enrolled in at least one credit hour at the main campus of Kansas State University shall be eligible to vote. All students so eligible shall be allowed to vote for any campus-wide position. Students enrolled within a certain college shall be eligible to vote for college positions. All students enrolled in at least one credit hour at the Salina campus of Kansas State University shall be eligible to vote for Student Body President and Student Body Vice President. Eligibility shall be determined by the Elections Board where such eligibility should fall into question with records dated not more than one week prior to the opening of the polls.
- 01-0104 General Elections
- A. Dates. The General Election shall be held on the Tuesday and Wednesday of the sixth week of the Spring Semester for the purpose of electing KSU SGA officials.
- B. Time. The General Election shall start at 8:00 a.m. on the Tuesday of the sixth week of the Spring Semester and shall end at 6:00 p.m. on the Wednesday of the sixth week of the Spring Semester.
- 01-0105 Offices
- A. Campus-Wide Offices.
1. President and Vice President. In the General Election, one Presidential candidate and one Vice Presidential candidate shall be elected jointly by the student body.
2. Union Governing Board. In the General Election, all seats for each position available shall be elected by the student body.
3. Board of Student Publications. In the General Election, all seats for each position available shall be elected by the student body.
- B. College Offices.
1. Student Senators. In the General Election, Student Senators shall be elected by the students of their respective colleges. Seats of the Student Senate shall be apportioned among the colleges by the Elections Committee as outlined in the Kansas State University Student Governing Association Constitution and By-Laws.
2. College Councils. In the General Election, all seats for each position available shall be elected by the students of their respective colleges.
- 01-0106 Elections Schedule
- A. Events Schedule. The Elections Commissioner shall be responsible for the creation of an annual calendar of events including all deadlines under this Code.
- B. Announcement of Schedule. The Elections Commissioner shall announce and make available to all campus media, not less than seven weeks before the first day of the General Election, the offices to be elected in the General Election, the qualifications and requirements to become a candidate in the General Election, and the events schedule as described in (a) above.
- 01-0107 Qualifications
- A. Qualifications for Candidacy. The qualifications to run as a candidate for any Student Governing Association position shall be as established by the Kansas State University Student Governing Association Constitution.

- B. The Elections Commissioner, members of the Student Tribunal and members of the Elections Committee are disqualified from being a candidate in any election that falls during their term of office.

01-0108

Nomination of Candidates

- A. Any person meeting the qualifications of 01-0107 may become a candidate by complying with the requirements outlined in this section.
- B. Declaration of Candidacy. The Elections Commissioner shall determine the form of the declaration of candidacy. The declaration of candidacy shall include the name of the student, the student's Kansas State Wildcat Identification Number, the college the student is enrolled in, and the office being sought by the student. Any person seeking to have their name placed on the ballot as a candidate for Student Senator, member of the Board of Student Publications, and/or member of the Union Governing Board shall file a declaration of candidacy as required by the Elections Commissioner by 5:00 pm on the Friday two weeks prior to the General Election.
- C. To be placed on the ballot, candidates for Student Body President and Student Body Vice President must file a joint declaration of candidacy as required by the Elections Commissioner by 5:00 pm on the Friday two weeks prior to the General Election. The declaration of candidacy shall include the names of the students, the students' Kansas State Wildcat Identification Number and the primary college the students are enrolled in.
- D. Mandatory Meetings. Each General Election candidate except candidates for Graduate Student Council offices shall attend one of at least two mandatory meetings , or shall view an informational video or transcript of the video prepared by the Elections Committee by 5:00 p.m. on the Tuesday one week prior to the general election as specified by the Elections Commissioner. A candidate may be excused from this requirement only if the candidate has received written permission from the Elections Commissioner prior to the last scheduled meeting.
- E. Expense and Contribution Reports. Each candidate except candidates for Graduate Student Council offices shall file an expense and contribution report as specified in 01-0119.
- F. Campaign Action Reports. Each presidential ticket shall file a campaign action report as specified in 01-0119.
- G. Write-In Candidates. Write-in candidates shall not be required to attend the mandatory meeting or file the documents necessary under this section. However, write-in candidates shall be required to follow all other regulations within this Code and shall be subject to the penalties for violations as described in 01-0122.
- H. Exceptions. Exceptions as to the date and time of filing requirements under this section may be made by the Elections Commissioner upon determination of reasonable circumstances in consultation with the Elections Committee.

01-0109

Election System

- A. The Elections System is the electronic voting system procured by the Center for Student Involvement and provided by The Office of Mediated Education. The election system shall contain an electronic ballot as defined in section 01-0111.
- B. Responsibility. The Elections Commissioner shall be responsible for establishing and maintaining the election system on the days of the elections. The Elections Commissioner shall be responsible for developing specific voting procedures,

administering such procedures, and ensuring that voting is carried out in an orderly and impartial manner.

- C. Location. Voting may take place in University Computing Labs or on any electronic device with access to the election system.
- D. Times of Operation. The elections system shall remain accessible for not less than eight continuous hours for each day of the election. The Elections Commissioner shall have the discretion to maintain the Elections System beyond these time requirements.

01-0110

Ballots

- A. Ballot Forms.
 - 1. Provision. The Elections Commissioner shall provide an electronic ballot which shall contain spaces for all campus-wide offices to be elected as well as spaces for each referendum or initiative to be voted upon. The Elections Commissioner shall also provide an electronic ballot for each college which shall contain spaces for all college offices to be elected. Each student shall only be provided a ballot specific to the college in which their primary major is.
 - 2. Listing. Candidates shall be listed on the ballot in random order. The name of the candidate shall be printed as requested by the candidate in his or her declaration of candidacy. At a minimum, candidates must use their last name as registered with the University.
 - 3. Write-In Candidates. Write-in options shall be made available for each office. The number of write-in options shall be equal to the number of positions available for that office.
- B. Ballot Inspection. Sample ballots for the General Election shall be made available to the public for inspection in the Center for Student Involvement on the Friday prior to the General Election. Each candidate shall have the opportunity to verify the accuracy of the sample ballots prior to 4:00 p.m. that day.

01-0111

Voting

- A. Procedure. Voting shall be by secret ballot. To receive a ballot, the voter must follow procedures outlined by the Elections Commissioner. The voter must mark the ballot according to the instructions on the ballot. The voter shall be responsible for submitting the completed ballot.
 - 1. Ranked Procedure. When marking a ballot which requires ranking, such as an instant-runoff ballot, the voter may rank one or more choices. The voter must mark "1" for their most preferred ticket or candidate, "2" for their next most preferred ticket or candidate, and continue in the same order until they reach the ticket or candidate they would like to rank lowest.
- B. Tabulation.
 - 1. Method. Votes for all offices shall be counted electronically by the elections system. Vote totals shall not be released to anyone prior to the closing of the polls.
 - 2. Vote Required for Election. The vote required for election to the office of Student Body President and Student Body Vice President shall be a majority of preferences from continuing ballots cast in the General Election. The vote required for election to Student Senate, Board of Student Publications, and Union Governing Board shall be a plurality of

votes cast.

3. Procedure for Presidential Elections. Ballots in the election for the positions of Student Body President and Student Body Vice President shall be counted by the instant-runoff voting method, as described in this section.
 - a. A first round of counting shall be conducted consisting of the first preferences of all voters.
 - b. If a ticket for Student Body President and Student Body Vice President receives a majority of the preferences from continuing ballots in a round, that ticket shall be elected. If no ticket receives a majority of preferences from continuing ballots in a round, another round of counting shall be conducted in the manner prescribed below.
 - c. If more than one round is necessary, the following procedure shall be followed. The candidate in last place shall be eliminated and ballots counted for them recounted. Each continuing ballot shall be counted for the continuing ticket ranked the highest on the ballot.
 - d. If two or more tickets are tied for the fewest preferences at the start of a round of counting and the votes for all tied tickets combined are less than the preferences for the ticket with the next highest number of preferences, all tied tickets shall be eliminated at once. If the preferences for both tickets combined are greater than the ticket with the next highest number of preferences, the ticket to be eliminated shall be chosen randomly. The result of the resolution of a tie must be recorded and reused in the event of a recount.
 - e. If a ballot becomes exhausted, it shall not be counted in the same round or any following round.

01-0112

Certification of Elections

A. General Election Procedures.

1. Announcement of Unofficial Results. Upon completion of the tabulation of all votes cast in the General Election, if necessary, the Elections Commissioner shall release the unofficial results. All candidates for the offices of Student Body President and Student Body Vice President will be immediately notified by the Elections Commissioner of the unofficial results.
2. Submission to Student Senate. The Elections Commissioner shall submit the unofficial General Election results to the Senate Operations Standing Committee. The Senate Operations Standing Committee shall author a resolution for submission to the Student Senate at the second regular meeting of the Student Senate following the General Election. Races in which the Elections Commissioner does not believe the results are valid due to pending questions shall not be submitted by the above deadline.
3. Adoption by Student Senate. The unofficial results shall become official upon their adoption by a majority vote of the Student Senate. Student Senate shall not amend the submitted election results.
4. Annulment. If, after adoption by a majority vote of the Student Senate, material evidence is discovered to find any election results in doubt, the

Student Tribunal may annul the affected sections of the adopted elections results.

5. Contested Elections.
 - a. All students qualified to vote in the elections shall have the power to contest elections results.
 - b. To contest an election, the person wishing to contest the election must file a complaint within 12 hours of the unofficial results being announced.
 - c. The complaint must allege a violation of the elections regulations that has caused the results of the election to be invalid.
 - d. The alleged violation causing the contest to be invalid may have been discovered at any time during the election process.
 - e. The contested election complaint shall be dealt with by the same process of all other complaint except in regards to appeals. Appeals may be made by any individual who was named a witness in the respective hearing.

01-0113

Campaign Materials

- A. Time Limited Materials.
 1. Chalking, Banners, and Posters. Candidates in the General Election may begin to display chalking, banners, and posters beginning on the first day of classes for the spring semester at 8:00 AM
 2. Tables. Tables may be established by General Election candidates beginning the first day of classes of the spring semester at 8:00 AM. All tables are to be removed during the weekends and immediately following the completion of the General Election.
 3. Removal. All General Election candidates shall remove campaign materials from campus property by 7:00 PM the day following the completion of the General Election, with the exception of chalk.
 4. Campaign materials, such as stickers, buttons, T-shirts, websites and other materials not listed in these regulations, shall not be dispersed or publicized until the first day of classes for the spring semester at 8:00 AM
- B. Tables.
 1. Tables may be set up in the K-State Student Union for all candidates.
 2. Tables may be set up in additional buildings for candidates as established by the Elections Committee, including, but not limited to, Hale Library, Leadership Studies Building, Chester E. Peters Recreation Complex, and dining centers.
 3. Tables in the K-State Student Union may only be set up in accordance with Union Governing Board policy and must be staffed at all times when in use.
 4. The Elections Committee will establish as many tables for as needed, chosen randomly, and rotating the position of each candidate at the tables daily.
- C. Posters.
 1. Definition. The term “poster” shall be defined as any paper campaign material affixed to a wall or stationary object.

2. Size. Posters shall be no larger than 16" x 22", except for those posters placed on portable bulletin boards located within the Student Union, which shall no larger than 8.5" x 11".
 3. Display. Posters may only be tied to trees, affixed to residence hall doors per 01-0115(B), or tacked to bulletin boards in campus buildings.
 4. Overlaying. Overlaying of posters is strictly prohibited.
 5. Outside Display. When used for outside display, posters must be printed on card stock paper and secured on all four corners.
 6. No posters shall be allowed within 30 feet of the entrances to any non-residence hall building on campus.
 7. Posters printed through non-retail services will be expensed at the current rate for provided by K-State Printing Services.
- D. Banners.
1. Definition. The term "banner" shall be defined as any type of sign larger than a poster.
 2. Limited Use. Banners may be used only by candidates for the offices of the Student Body President and Student Body Vice President.
 3. Securing. Banners must be secured on all four corners and must not impede the flow of traffic through campus.
 4. Location. Banners may only be displayed as designated by the Elections Committee, determined by lottery for each candidate's location.
 5. Banners shall be rotated in an equitable manner as determined by the Elections Committee.
- E. Chalking.
1. Chalking is permitted only on sidewalks. Chalking is not permitted on stairs and any area not generally intended as a pathway for pedestrians.
 2. The use of "liquid chalk," or any other permanent or semi-permanent material is prohibited.
 3. No chalking is allowed within 30 feet of the entrance to any building on campus.
 4. No chalking is allowed on the upper terrace of the Bosco Student Plaza.
- F. Stickers and Buttons. Stickers and buttons shall only be placed on personal property.
- G. Social Media Accounts. Social Media Accounts and websites must be registered with the Elections Commissioner before they can be made public and used for campaigning purposes.

01-0114

Restrictions on Distribution of Materials

- A. Distribution of tangible campaign materials to individuals must be made by an individual. Campaign activities that distribute tangible campaign materials through any form of contact beyond personal interaction are prohibited.
- B. Individuals may not be representing a business at the time of distribution.
- C. Illegal distribution of tangible campaign materials shall include, but is not limited to, canvassing of parking areas, leaving campaign materials unattended or in piles, mass mailings, and indiscriminate scattering of materials.
- D. Messages containing campaign language shall not be sent to a Kansas State University Listserv.

01-0115

Restricted Campaign Actions

- A. Conformity. All campaign materials and activities shall conform to the laws of the State of Kansas, the ordinances of the City of Manhattan, Kansas State Association of Residence Halls policy, and all other rules of the University.
 - 1. K-State copyrighted or trademarked logos (e.g. Kansas State University, the Powercat, Willie the Wildcat) may be used with permission of the Elections Commissioner or designee after counsel with K-State's director of trademark licensing. If approved for use, candidates or campaigns must follow the university's branding guidelines.
- B. Residence Halls.
 - 1. Posters are permitted only within the residence hall complexes on the doors of individual resident(s) with the express permission of the resident(s) therein.
 - 2. No chalking or outdoor hanging of posters within 50 feet of resident hall complexes.
- C. Limitation On Postings. With the exception of posters and banners, no campaign materials shall be leaned against or otherwise affixed to campus property.
- D. Unauthorized Removal. No individual shall remove, deface, obscure, or otherwise tamper with the campaign materials of any candidate without authorization.
- E. College and University Endorsements. Campaigns may not solicit the support, advocacy, or endorsement of Kansas State University, or any of its colleges, faculty, or staff, nor will any party listed support, advocate for, or endorse a campaign with or without the campaign's knowledge.
 - 1. Any member of the KSU SGA employed by the University may advocate for SGA candidates as long as they do not use their University position to advance any particular candidate nor imply any University preference based upon their position.
 - 2. For the avoidance of doubt, encouraging members of the KSU SGA to vote without mentioning any particular campaigns is not restricted under this section.
- F. Class Interference. No campaign activity that disturbs or otherwise interrupts a class shall be permitted.
- G. Harassment. No campaign shall engage in harassment.
- H. Obstruction. Campaigners shall not physically obstruct individuals.
- I. Student Governing Association. Only activities related to the procedure of the election shall be permitted at official Student Governing Association events, over official Student Governing Association social media or group messaging accounts, or in the office space of Student Governing Association or the Center for Student Involvement. Activities include, but are not limited to, educational or training sessions, hearings, and mandatory meetings, and exclude Campaign Actions.
- J. Buildings. There shall be no unsolicited distribution of campaign materials within buildings on campus other than at tables reserved for candidates in the K-State Student Union, and/or any other location established by the Elections Committee.
- K. Social Media. Because of social media's ability to distribute information to the public, a campaign will be held accountable for the behavior and material displayed on its accounts.
- L. No campaign shall promote or engage in activities that are disorderly, lewd, or indecent; breach the peace; or aid, abet, or procure another person to breach the peace on university premises or at university-sponsored activities.

- M. No campaign shall be held responsible for a violation not directed by the candidate(s) or campaign staff.

01-0116 Election Day Activities

- A. Distance Requirement. No ballots may be cast within 20 feet of a campaign table, as established in 01-0114(B). No campaign may provide a device upon which students may vote.
- B. Exception. It shall not be considered a violation for a voter to wear passive campaign material in the form of a shirt, sticker, or other item in the vicinity of the polls or while voting so long as that individual is not loitering.
- C. Authority. The Elections Commissioner or Elections Board shall have the authority to make determinations of loitering or campaigning under this section.

01-0117 Authority to Remove Materials. The Elections Commissioner, or their designee, shall have the authority to remove any campaign materials found to be in violation of the regulations noted above, at which time the candidate shall be notified of the violation.

01-0118 Campaign Expenses and Contributions

- A. Definition. The term "campaign expense" shall mean the retail value of any obligations incurred, the retail value of any goods or services donated, and any actual funds utilized to promote or oppose the election of any individual to any office under this code. This definition shall include the value of any discounts not available to the general public and the retail value of any services donated. This definition shall not include any fines assessed under this Code.
 - 1. The full amount of any item that is used by more than one candidate or campaign shall be listed as an expense on each candidate or campaign's expense report unless said candidate is filing reports jointly according to 01-0120.
- B. Personal Contributions Limited. The value of labor by a candidate or registered campaign staff, professional or otherwise, is not to be expensed or included as personal contributions. Any contribution to a candidate from a business or non-student shall count towards the personal contribution limit. The maximum amount any candidate may contribute toward their campaign shall be as follows:
 - 1. The total amount a presidential ticket may contribute towards its campaign including any contributions from sources other than qualified students of Kansas State University shall be no more than \$300.00. At no point may candidates advance funds in excess of the funds above toward their campaign, even if the individual(s) makes the excess amount back in third-party contributions.
 - 2. The total amount a candidate for Union Governing Board or the Board of Student Publications may contribute towards their campaign including any contributions from sources other than qualified students of Kansas State University shall be no more than \$125.00.
 - 3. The total amount a candidate for Student Senate may contribute towards their campaign including any contributions from sources other than qualified students of Kansas State University shall be no more than \$50.00.
- C. Contributions Limited. Contributions to any candidate may only be accepted if the contribution is being received from a qualified student of Kansas State University (as determined under the Code through 01-0103), and limits for all contributions other than personal contributions shall be as follows:

1. Each Presidential Ticket shall not accept more than \$30.00 from any other student.
 2. Each candidate for Union Governing Board, the Board of Student Publications, Student Senate, or College Council shall not accept more than \$10.00 from any other student.
- D. Sources of Values. The candidate shall be responsible for justifying the value of any services received or amounts spent, either through receipt or other reasonable means as determined by the Elections Board.

01-0119

Reporting Requirements

- A. Common Reporting Requirements.
1. Deadlines. General Election candidates shall be required to submit all required reports to the Center for Student Involvement no later than 4:00 pm on the Friday prior to the General Election.
 2. Verification. A member of the Elections Committee and the Elections Commissioner shall review all required reports in order to check for accuracy and completeness. The Elections Commissioner has the authority to make final judgements on completeness of reporting or cost of items where evidence of cost is absent.
 3. All requested reports for General Election candidates must be submitted by the Elections Commissioner to all persons requesting by 5:00 pm on the Sunday prior to the General Election.
 4. Filing Jointly. If a candidate in a multi-winner election has exactly the same expenses (including shared expenses) as other candidate(s) and has only participated in campaign actions with those candidate(s), then the candidates may file required reports by submitting only one copy of the reports to the Elections Commissioner. This copy must contain the names of all candidates who are filing jointly. No candidate may file jointly with multiple groups of candidates.
- B. Expense and Contribution Reports.
1. Candidates who do not have any expenses and have no contributions shall not be required to fill out an expense and contribution report. If evidence of expenses for these candidates are found, it will be treated as a major offense. The Elections Commissioner shall be responsible for the provision of standardized expense and contribution report forms. An expense and contribution report must be submitted by a candidate for each office the student is a candidate for.
 2. Content. Expense and contribution reports shall itemize all campaign expenses, and the fair market value of each item listed as determined whether by receipt, proof of purchase, or when unavailable, according to those criteria and requirements of 01-0118. All campaign expense must be incurred or contractually agree upon before each expense report deadline, and no expense can be incurred after each report is turned in unless the expense was contractually agreed on before the report was turned in. The contribution section of the report shall itemize each amount contributed to the campaign, the name of the donor, date the contribution was made, and any other information deemed necessary by the Elections Commissioner.
- C. Campaign Action Reports
1. Candidates who do not have any campaign action to report shall not be required to fill out a campaign action report. If evidence of campaign

actions for these candidates are found, it will be treated as a major offense. The Elections Commissioner shall be responsible for the provision of standardized campaign action report forms.

2. Content. Campaign action reports shall contain a list of campaign actions, the date and time of and participants in each campaign action, a list of campaign staff and a short description of their duties, and any other information deemed necessary by the Elections Commissioner.
 - a. The list of campaign actions shall include all campaign actions except for the exceptions below, including planned campaign actions that will take place after the submission deadline and the existence of all campaign-organized social media or public-facing group messaging accounts.
 - b. Exceptions. The list of campaign actions does not need to include individual social media or group messaging posts.
 - c. Participants recorded must include Campaign Staff and Campaign Workers.
 - d. Records must include detailed descriptions of the campaign actions taken.

01-0120

Complaints

- A. Filing Complaints. Any election complaints involving a suspected violation of this Code must be filed with the Elections Commissioner within 24 hours after discovery of the suspected violation. Complaints can be filed electronically on the SGA Elections website. Complaints shall be made in such a form that states the name of the filer, the section(s) under which the suspected violation shall have occurred, any evidence to support the complaint, the names and contact information of any witnesses, and shall be signed by the complainant.
- B. Withdrawal. At any time prior to the decision, the party filing the complaint may withdraw their complaint by notifying the Elections Commissioner in writing.
- C. Determination of Validity. The Elections Commissioner shall have 24 hours after receipt of a complaint to determine if there is sufficient basis for a hearing. If the Elections Board agrees that a complaint is not founded in a legitimate violation of this Code, they shall immediately make public the complaint with the decision "Declined to Review." All actions of the determination of validity of complaints shall be documented.
- D. Notification and Review. The Elections Commissioner shall have 24 hours from a positive determination of validity to notify the individual(s) suspected of the violation, the individual(s) filing the complaint, make public the suspected violation, and conduct a review as outlined in 01-0121. Notification shall include the suspected violation, the name of the person filing the complaint, and the date, time, and location of the scheduled hearing.
- E. Suspension of Timeframe. Upon the removal, resignation or permanent inability of the Elections Commissioner to discharge his or her duties as the Elections Commissioner, there shall be a suspension of the timeframe for filing complaints determination of validity, reviewing suspected violations, determining violations and appealing violations. This suspension shall cease upon the approval of a new Elections Commissioner.

01-0121

Review of Suspected Violations

- A. All actions of the review of suspected violations shall be documented.
- B. Review Process.

1. A member of the Elections Board shall conduct an investigation of the suspected violation and shall inform the other voting members of any information found in investigation prior to the scheduled hearing.
2. The respondent shall have the opportunity to submit a written response to the complaint, any evidence to support their response, and the names and contact information of any witnesses prior to the scheduled hearing to the Elections Commissioner. If the respondent chooses to admit the violation in their response, the violation and penalty will still be considered at the time of the hearing.
 - a. The hearing will be held at the scheduled time listed in the notification. Upon request of the parties involved, the Elections Commissioner may reschedule the hearing for another time within the time allowed for notification and review.
 - b. The KSU SGA Legislative Branch Advisor or their designee shall attend all hearings as counsel to the Elections Board.
 - c. Failure to attend the hearing by either party shall not constitute an admission of violating the elections regulations. If neither party is present for the scheduled hearing the Elections Board shall make a ruling based on the investigation and submitted evidence.
 - d. The hearing shall be open to the public.
 - e. An audio recording will be made of the full hearing.
 - f. The respondent shall have the opportunity to support their case by making any statements, calling relevant witnesses, and submitting any evidence.
 - g. The party filing the complaint shall have the opportunity to support their case by making any statements and calling relevant witnesses.
 - h. The Elections Board shall question witnesses provided by all parties involved in the review.
 - i. The Elections Commissioner shall present the results of the Board's investigation, and the respondent and party that filed the complaint shall have the opportunity to respond and ask questions of the Elections Board.
 - j. Public participants attending the hearing shall not have speaking rights during the hearing and may be removed from the hearing by discretion of the Elections Commissioner.
 - k. After the completion of the hearing, the Elections Board may no longer investigate the suspected violation.

01-0122

Determination of Violation

- A. Within three hours of the completion of the hearing, the Elections Board shall, with the counsel of the KSU SGA Legislative Branch Advisor or their designee, make a determination of whether or not a violation of the code was committed and, in the event that a violation did occur, shall determine a reasonable penalty for the violation under those restrictions as set forth in this section.
- B. The Elections Commissioner shall notify the respondent, the party who filed the complaint, and make public the determination.
- C. Penalties. In determining penalties, the Elections Board shall consider repeat violations and the number of violations incurred by a campaign.

1. Major Offenses. Upon the determination by the Elections Board of a major offense, the Elections Board may cause the disqualification of such candidate(s) from the General Election or other penalties as deemed appropriate.
 - a. Disqualifications.
 1. Any candidate who fails to file any required report for a position shall be disqualified from that position by the Elections Board except as provided in 01-0109(F) and 01-0109(G).
 2. Individuals who have been disqualified by the Elections Board or Student Tribunal from the General Election shall not be elected as a write-in candidate for the position from which they were disqualified.
2. Minor Offenses. Upon the determination by the Elections Board of a minor offense, the Elections Board may impose such penalties as deemed appropriate.
3. No fines shall be levied as punishment for any violations committed under this code. This does not include such payments of restitution as may be deemed appropriate in the case of destruction or damage of property.
4. In cases of destruction or damage to campaign materials or election equipment by a candidate or campaign, the Elections Board may order restitution for damaged items to those parties whose materials were so damaged.
5. Upon determination of an offense committed by a student who is not a candidate, including destruction of or damage to campaign materials or election equipment, the Elections Commissioner may refer the case to the Attorney General for resolution within the judicial system.
6. In assessing penalties, the Elections Board shall consider the severity of the violation or any mitigating factors that may be involved in the situation as well as any cooperation provided by any person so involved.

01-0123

Appeals

- A. Any determination of validity or violation made by the Elections Board may be appealed by the complainant or respondent, or a witness in contested elections, to Student Tribunal or an ad-hoc board of approved judicial board members. Appeals must be filed with the Chancellor of Student Tribunal within seven hours of the completion of the decision.
- B. Once an appeal of a violation is filed, all individuals listed on the ballot as candidates for that position and the Elections Commissioner shall be notified by the Chancellor of Student Tribunal.
- C. Grounds for Appeal.
 1. The determination of validity or violation failed to follow the written procedures and rules as outlined in the Elections Regulations Code.
 2. There was not sufficient evidence to support the determination of violation.
 3. The determination of validity or violation was reached in an unjust manner including but not limited to the presence of bias; unreasonable, arbitrary, or capricious action; or discrimination on the basis of race, religion, color, sex, physical ability, national origin, sexual orientation, or ancestry.

4. The determination of violation denied a student their constitutional rights as identified in the KSU SGA Constitution.
 5. The penalty is too harsh or too lenient.
 6. There is new evidence that was not known nor could have been discovered at the time of review.
- D. Any determination of validity or violation made by the Elections Board shall be valid until the ruling of the Student Tribunal.
 - E. Appeals shall be of the record only and any new evidence allowed by Student Tribunal.
 - F. Appeals to Student Tribunal shall follow the procedures outlined in the KSU SGA By-Laws except for specific exceptions provided for in the Elections Regulations Code.
 - G. Student Tribunal shall hear the appeal within 24 hours of the appeal being filed with the Chancellor of Student Tribunal.
 - H. The “appellant” shall be defined as the person appealing to Student Tribunal the decision of the Elections Board.
 - I. At the completion of the hearing, Student Tribunal shall notify the original complainant and respondent, Elections Commissioner, and make public the decision of the appeal.
 - J. Decisions of Student Tribunal are final with regards to Elections appeals.

01-0124

Special Elections

Emergency Elections and Special Elections. The Elections Commissioner may call an election to rectify problems with election results. An emergency or special election shall be held in accordance with the provisions of the Elections Regulations Code. Section 01-0125 shall be exempt from the requirements of Sections 01-0104 and 01-0105.

01-0125

Post Election Review

The Elections Commissioner shall, within three weeks of the end of the election, submit a report in writing to the Senate Operations Standing Committee that shall include a complete analysis of the election held and any recommendations on how to improve future elections. The Elections Commissioner shall, upon completion of the report, appear before the committee to present their findings.

01-0126

Records

- A. The following elections records shall be kept for a period of five years.
 1. Documentation and recordings of the suspected violations; notification and reviews; determinations of violations; and appeals.
- B. The following elections records shall be kept for a period of one year.
 1. Expense reports.
 2. Campaign Action reports.