

Chapter 01: 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. Organization

- 1. Campaign. The term "campaign" shall mean people or action(s) organized in support or opposition of a question, candidates(s), or other campaign(s). This includes, but is not limited to, candidates or write-in candidates, campaign staff, and campaign workers.
- 2. Active Campaign. The term "active campaign" shall mean the state of performing campaign actions.
- 3. Candidate. The term "candidate" shall mean any individual who is seeking election to a KSU SGA office.
- 4. Campaign Staff. The term "campaign staff" shall mean any individuals who are authorized by candidates to perform and oversee campaign actions.
 - a. Up to 15 campaign staff may be registered with the Elections Commissioner.
 - b. Registered staff must be qualified students of Kansas State University and must not be paid for their work.
 - c. Campaign staff may only be registered with one presidential campaign.
- 5. Campaign Worker. The term "campaign worker" shall mean any individual authorized by candidates or campaign staff to perform campaign actions.

B. Resources

- 1. Campaign Material. The term "campaign material" shall mean any advertisement, document, or device intended to promote or oppose a candidate or question voted upon by the student body.
- 2. Campaign Expense. The term "campaign expense" shall mean any funds utilized and the retail value of any goods or services donated in support or opposition to a campaign(s). This includes the value of discounts not available to the general public and excludes the value of labor contributed by candidates or campaign staff.
- 3. Campaign Contribution. The term "campaign contribution" shall mean any funds and the retail value of any goods or services donated to a campaign.
 - a. "Personal contribution" shall mean the sum total of campaign contributions from a campaign's candidate(s) and campaign contributions that do not qualify as "student contributions".
 - b. "Student contribution" shall mean an individual campaign contribution from a qualified student of Kansas State University.

C. Activity

1. 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 campaign(s).
2. Distribution. The term “distribution” or “distributing” shall mean sharing to persons who are not candidates or campaign staff.
3. Solicitation. The term “solicitation” or “soliciting” shall mean promoting a campaign to a student organization.
4. 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.
5. 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.
6. Bribery. The term “bribery” shall mean the distribution of cash or gift cards in support or opposition of a campaign(s) or distribution of any material in exchange for explicit promises of support or opposition of a campaign(s).
7. Harassment. The term “harassment” shall mean continued solicitation to an individual beyond initial communicated refusal.

D. Administration

1. Make Public. The term “make public” shall mean to publish on the KSU SGA Elections website.
2. College. The term "college" shall mean the eight academic colleges and the graduate school on the Manhattan campus of Kansas State University.
3. 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.
4. Instant-Runoff Voting. The term “instant-runoff voting method” shall mean the ranked voting process described in Section 01-0108 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

Schedule. Unless otherwise noted, all deadlines shall fall at 11:59 p.m. on the listed date. Extensions to deadlines in this schedule may be made by the Elections Commissioner.

- A. Campaigning may begin at 8:00 a.m. on the first day of the spring semester.
- B. Filing
 1. Candidates for President and Vice President must file for office by Tuesday of the third week of the Spring Semester.
 2. All other candidates must file for office by Tuesday of the fifth week of the Spring Semester.
- C. The Elections Commissioner must provide sample ballots to candidates for review by Friday of the fifth week of the Spring Semester.

- D. The Election will begin at 8:00 on Tuesday of the sixth week of the Spring Semester and shall end on Wednesday of the sixth week of the Spring Semester.
- E. Candidates must submit expense reports by the end of the Election on Wednesday of the sixth week of the Spring Semester.
- F. The Elections Commissioner must make public unofficial results of the Election by Thursday of the sixth week of the Spring Semester.

01-0104

Offices

- A. Offices Available
 - 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. Student Senators. In the 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.
- B. Filing for Office
 - 1. The Elections Commissioner shall determine and make public the form of filing. This shall include:
 - a. The name of the student
 - b. The student's Wildcat Identification Number
 - c. The student's college of enrollment
 - d. The student's desired office(s)
 - 2. Write-in candidates shall not be required to file the documents necessary under 01-0105.B but shall otherwise be subject to the penalties stated for violations of this Code.

01-0105

Expenses

- A. Contribution Limits
 - 1. Personal contributions shall be limited as follows:
 - a. \$300 for Presidential tickets
 - b. \$125 for Union Governing Board candidates
 - c. \$50 for Student Senate candidates
 - 2. Student contributions shall be limited as follows:
 - a. \$30 for Presidential tickets
 - b. \$10 for Union Governing Board and Student Senate candidates
- B. Reporting
 - 1. All candidates who collect contributions or incur expenses shall complete an expense report. Cooperating candidates for multi-winner elections may jointly report their expenses and contributions.
 - 2. The Elections Commissioner shall determine and make public the form of expense reporting. This shall include:
 - a. The name of the candidate(s) or campaign
 - b. The personal contribution of the candidate(s)
 - c. All student contributions to a campaign, including:
 - i. The date of each student contribution
 - ii. The value of each student contribution

- iii. The Wildcat Identification Number of each contributing student
- d. All expenses incurred by the campaign, including:
 - i. The date of each expense
 - ii. The value of each expense
 - iii. Proof of value for each expense

01-0106

Campaign Restrictions

- A. Campaigns shall not commit actions listed here. Prosecution of such actions shall follow the procedure outlined in 01-0107.
- B. Class I Offenses
 - 1. Violating the Kansas State University Policy and Procedures Manual.
 - 2. Improperly distributing material:
 - a. Leaving campaign materials unattended
 - b. Indiscriminately scattering material
 - c. Engaging in distribution that is not person-to-person
 - 3. Refusing to hide campaign material in Student Governing Association offices or at official Student Governing Association events.
 - 4. Seeking the endorsement of Kansas State University, any of its Colleges, faculty, or staff, excluding student employees who do not use their position for campaign purposes.
 - 5. Disturbing or interrupting class for campaign purposes.
- C. Class II Offenses
 - 1. Engaging in any of the following activities prior to 8:00 a.m. on the first day of the Spring Semester:
 - a. Posting on social media
 - b. Distributing or displaying campaign material
 - c. Soliciting
 - 2. Removing, obstructing, or defacing the campaign material of another campaign(s).
 - 3. Impersonating another campaign(s).
 - 4. Failing to submit an expense report by the deadline established in 01-0103.
- D. Class III Offenses
 - 1. Using a Kansas State University listserv for campaign purposes.
 - 2. Harassment, intimidation, bribery, or fraud with the intent of affecting the outcome of an election.
 - 3. Tampering with ballots or the electronic election system.
 - 5. Obstructing or misleading the Elections Board.
 - 6. Exceeding the contribution limits established in 01-0105.
 - 7. Spending advance funds in anticipation of contributions.
 - 8. Deliberately misrepresenting expenses or contributions.
 - 9. Refusing to submit an expense report.

01-0107

Violations

- A. General
 - 1. All actions in the review of suspected violations shall be documented.
 - 2. The timeline for the review of suspected violations shall be suspended upon the removal, resignation, or permanent inability of the Elections Commissioner to discharge their duties. The timeline shall resume un the approval of a new Elections Commissioner.

3. The KSU SGA Legislative Branch Advisor or their designee shall attend all hearings of the Elections Board.

B. Reporting

1. The Elections Commissioner shall determine and make public the form of violation reporting. Suspected violations must be reported within 24 hours of discovery. At any time prior to the decision, the reporting party may withdraw their report.
2. Within 24 hours of its reporting, the Elections Commissioner shall assess the validity of a suspected violation:
 - a. If the suspected violation, as accused, constitutes a breach of this Code, the Elections Commissioner shall schedule an Elections Board hearing to review the suspected violation.
 - b. If the suspected violation, as accused, would not constitute a breach of this Code, it shall be declined for review. The Elections Board may overturn the Elections Commissioner's decision to decline review by majority vote.
3. Within 24 hours of a validity assessment, the Elections Commissioner shall:
 - a. Notify the reporting party and suspected violator(s) of the assessment.
 - b. Provide the time and location of the Elections Board hearing to the reporting party and suspected violator(s), if applicable.
 - c. Make public the suspected violation.

C. Review

1. All members of the Elections Board shall investigate the suspected violation prior to the hearing. Suspected violator(s) shall have the opportunity to submit a written response and evidence to the Elections Commissioner.
2. The hearing may be rescheduled by the Elections Commissioner, as necessary.
3. Failure of suspected violator(s) to attend the hearing shall not constitute an admission of violation. Both the reporting party and the suspected violator(s) may invite witnesses to provide testimony.
4. At the hearing, Elections Board shall consider, in order:
 - a. Evidence provided by the reporting party
 - b. Statement(s) and evidence provided by the suspected violator(s)
 - c. Evidence discovered by the Elections Board
 - d. Testimony of the reporting party and their witnesses
 - e. Testimony of the suspected violator(s) and their witnesses
 - f. Merit of the suspected violation
 - g. Resultant penalties of the violation, if applicable
5. Upon completion of the hearing, the Elections Commissioner shall make public the Elections Board's decision(s).

D. Penalty

1. Violating candidates shall accrue points according to the severity of their offense, as established in 01-0105:
 - a. For Class I offenses, one point
 - b. For Class II offenses, two points
 - c. For Class III offenses, four points

2. Candidates shall be disqualified from seeking office if they accrue more than three points. Disqualified candidates shall not be eligible for election by write-in.
3. The Elections Board may modify penalties, as appropriate.
4. No student shall be levied a fine for any offense, except as restitution for damaged or destroyed property.

E. Appeal

1. Decisions of the Elections Board may be appealed by any party named in the violation report on the following grounds:
 - a. The Election Board failed to follow the review procedure prescribed in this Code.
 - b. There is new evidence that was not considered at the time of the Election Board's decision.
 - c. The Election Board's decision was reached in a biased, arbitrary, or discriminatory manner.
2. Appeals must be filed with the Chancellor of the Student Tribunal within seven hours of the Election Board's decision. Any decision of the Election Board shall be valid until the ruling of the Student Tribunal.
3. If the Chancellor of Student Tribunal determines that the appeal was made on appropriate grounds, they shall notify all involved parties and the Elections Commissioner.
4. Within 24 hours of filing, the Student Tribunal shall hear the appeal. The appeal shall follow the procedure outlined in the KSU SGA By-Laws, except where otherwise instructed in this Code.
5. Upon completion of the appeal hearing, the Chancellor of the Student Tribunal shall provide the Student Tribunal's decision to all involved parties and the Elections Commissioner, who shall make it public. The Student Tribunal's decision shall be final.

01-0108

Election System

- A. The Elections System is the electronic voting system procured by the Office of Student Programs and Involvement.
- B. The Elections Commissioner shall be responsible for establishing and maintaining the election system during the Election.
- C. Ballots.
 1. Ballots shall include all offices to be elected and referenda or initiatives to be voted upon.
 2. Candidates shall be listed on the ballot in random order. The name of the candidate shall be listed as requested by the candidate in their filing. At a minimum, candidates must use their last name as registered with the University.
 3. For the office of President and Vice President, ballots shall allow candidates to be ranked according to the voter's preference.
- D. 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.
- E. Tabulation.
 1. Votes for all offices shall be counted electronically by the elections system. Vote totals shall not be distributed prior to the closing of the polls.
 2. 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 and Union Governing Board shall be a plurality of votes cast.

3. Procedure for Presidential Elections. Ballots in the election for the President and Vice President shall be counted by the instant-runoff voting method, as described here:
 - a. The first round of counting shall tally the first preferences of all voters.
 - b. Subsequent rounds of counting shall allocate continuing ballots to their highest preference among continuing tickets.
 - c. If a ticket receives a majority of the preferences from continuing ballots in a round, that ticket shall be elected. Otherwise, the ticket in last place shall be eliminated and a subsequent round shall be initiated.
 - d. If two or more tickets are tied for the fewest preferences from continuing ballots in a round, all tied tickets shall be eliminated at once.

01-0109

Certification of Elections

- A. 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.
- B. Ties. Ties shall be broken by the Student Senate of the prior elected term.
 1. Ties for the office of Student Senator shall be broken by their respective college caucus.
 2. Ties for the office of Student Body President and Vice President or Union Governing Board shall be broken by the whole of Student Senate.
- C. 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.
- D. 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.
- E. 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 this Code.

01-0110

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.

01-0111

Records

- A. Documentation of violations reviews, decisions, and appeals shall be kept for a period of five years.
- B. Expense Reports shall be kept for a period of one year.