**University of Colorado Student Government**



**Legislative Council**

76LCB02 – The Restoration of Neutrality Act

Sponsored by: John Michael Tomczak III Election Commissioner

Danielle Watkins-Green Representative-at-large

Authored by: John Michael Tomczak III Election Commissioner

**The Restoration of Neutrality Act Bill History**

The CUSG Election Code sets out the rules, responsibilities, and goals enshrined in CUSG Elections and the CUSG Election Commission. Given its significance, the Election Code should contain policies and rules that fulfill the basic necessities of free and fair elections: setting forth the systems and practices that are most likely to produce a representative student government across all colleges and schools, and authorizing the Election Commission to adjudicate those systems and practices.

In a given semester, elections might be the only time a student communicates directly with her or his student government. The Election Commissioner is asked to affirm the Election Code prior to each election, as a definitive statement of our representative government.

Since Election Code reform was last brought to this council and failed, being one vote short of a two-thirds majority in February 2011, the situation around election complaints has deteriorated. For the first time in recent memory, the Spring and Fall 2011 elections resulted in official election hearings and infractions being levied by the Election Commissioner. This bill is an attempt to remedy the situation by establishing a sustainable permanent election process that provides neutrality, clarity, and effectiveness.

Recent complaints indicated that Candidates questioned whether the Code favored one side or the other because of ambiguity. Candidates and the Election Commissioner have also struggled with using the Code as a clear tool to reinforce our rules because certain clauses (especially ones regarding Amendments) are not consistent with the Constitution. The current Code only contains five rules on election offenses, which sorely diminish its power to effectively control elections. Circumventing of those rules has led to criticism of the election process from campus groups such as RHA and Housing. This is an attempt to resolve those issues.

Currently the Election Code describes five election offenses, with penalties ranging from one infraction to ten infraction points. These are: defamation, libel, and slander; campaign finance; destruction of campaign materials; recyclable products; and campaigning in CUSG offices or meetings. This bill is intended to address only the most frequently occurring infractions. This is meant to ensure that the Code remains enforceable by the Election Commission and Appellate Court.

**Bill Summary**

This bill proposes the re-adoption of the majority of the Election Code from the previous term, and offers a few recommended amendments and clarifications that respond to the issues of concern from recent elections.

Each substantive change and the reasoning behind it are listed below:

101(b) (3)-Added to clarify when a student becomes a candidate for the purposes of determining infractions and other election-related activities.

102-Modified to signify the Code exists to carry out the mission listed in the Preamble of the Constitution. “The purpose of this Constitution is to unify that student community by establishing the responsibilities and goals of CUSG governance.”

201(a)(2)-The alignment was only changed here; the clause in the first draft was unconstitutional and was removed.

201(b)(2)-Clarifies what is needed for a Commissioner to win a Legislative Council appeal, did not specify before.

202(c)-This modified clause allows the Election Commissioner to extend timelines in case an issue arises such as technical or administrative issues. The clause explicitly states that this extension of time must be given in writing to all parties before the original deadline. This is to avoid situations such as when a ticket turns in Finance Reports late, the Commissioner cannot extend the deadline afterwards to allow the Reports to be valid.

203(c)-Added to allow Executive(s) to fire Assistant Election Commissioners, since they are on staff with the Election Commissioners.

302(c)-Added in to allow the Commissioner flexibility to change start times as needed in a very specific manner. This is done since a programmer has to make the election live at midnight, and report the results at its conclusion. Midnight, and 8 pm on a Friday can be very unreasonable hours for such work. In the Fall 2011 election, the Commissioner received phone calls and text messages as late as 3:30 am local time when the system did not work properly. The Commissioner was not able to get the technical support to fix the issue until 8 am the following morning.

303(c) This is added in to pre-empt what may happen to the former Journalism’s school’s CCS spot. If it is removed from Council, then a Representative must be removed as well. This will ensure the Code stays current to that rule, which is listed in the corresponding section of the Constitution.

402(c)(1)-Added in because the third Monday before the Spring Election is the week before Spring Break. Because candidates may be preoccupied with exams or leave town early, this is to allow ample time for the Commissioner and his technical support to check petitions, hold a candidates meeting, and accept biographies before Spring Break begins.

404(a)-Modified to give the Commissioner the flexibility to pick the most effective time and place so the most possible candidates can attend. The third Wednesday can be conflicted too easily by itself, especially if the Commissioner has a academic duty to serve or a lack of suitable room space is available to adhere to fire code regulations.

406(b)-Modified to ensure that both sides agree to a random drawing that they believe is fair in the extreme and unprecedented case of a tie, as to avoid complaints afterward.

502(a)(2)-Changed to be current with what the Constitution states is required.

502(b)-Changed to be current with what the Constitution states is required.

503(b)-Added to be current with what the Constitution states is required.

503(c)-Changed to be current with what the Constitution states is required.

503(f)-Added to be current with what the Constitution states is required.

503(g)-Added to be current with what the Constitution states is required.

504(b)-Added in so 5.5(a) can be removed entirely.

505(a) and (d)-Removed entirely because those requirements are stated in the corresponding type of ballot measure.

601-Has been retooled to list the actual statute the Colorado law is under and applied into the Election Code to minimize confusion.

602(c)&(d) Were added in to make sure candidates submit truthful financial reports, which were previously unpenalized. Thus, if you spent over the limit on the Election but did not report it, you could not be disqualified.

603-Was clarified as best as possible in regards to what was campaign materials and what was not, and what policies govern whether a material is legal or not. CUUF policies are given out with petition packets, and RHA and proctor policies are gone over at the Candidate's meeting. This is done to reward candidates who follow the rules in placing materials, because if they don't, the materials are usually removed at the University's expense soon after.

605-Added “or ticket” after candidate.

606-This is to outlaw cash bribes, mostly for public perception because it was allowed in the old Code and gave CUSG Elections a bad name. The infractions here are minimal and limited because it is a complicated subject; there are rather trivial ways to accumulate infractions this way. The Election Commissioner does not think we will run into this issue at all, since candidates in the past have been smart and get treats and Red Bulls etc.

607-After multiple meetings with RHA over the past school year, and candidates who were concerned with a dormstorming clause, the Commissioner felt that this was the best compromise. This attempts to remove the candidates’ worst fear of dormstorming becoming a he-said she-said argument, while it allows RHA to effectively enforce their rules. It also ensures that if a case is brought up, it will have evidence to justify it, and clause (d) is added in to make sure that RHA does not insert bias into the situation. RHA and its' faculty advisers approve wholeheartedly of this new section.

608-This has been a notorious problem in the past, if anything it provides the most complaints from any subject. It also contains the most circumstantial evidence. In most cases, the Commissioner feels that overbearing tactics to try to get people to vote are a necessary evil to get people to actually vote. When things go too far, they usually file a complaint and this is a means of remedy for these individuals. The Commissioner also feels that those tactics have not decided an election, so unless a Election is extremely close and one ticket has been complained about excessively, it should not affect the outcome of an election, which is consistent to the real-life situation, no matter how many times people complain about it.

609-The old Code did not have recourse if the system was hacked, so this is just an addition to make sure it is noted.

* 1. -These are for rare cases in which usually a supporter of a ticket commits an infraction and this regards how points are distributed if no one person of the ticket can be held responsible due to lack of admittance of guilt.

702(a)-This was changed to the first business day since no office assistant or manager was usually in the office on a Saturday to pick up the reports, and they risked being lost by the UMC. Also with a emphasis on correct finance reports, there should be no excuse for candidates to file bad reports, as they should now have ample time to collect things such as receipts or sales orders from their vendors.

802-Changed to reflect new finance report due date.

803(a)(1)-Since Finance Reports are due later, five hours was added to the due date of complaints to make sure people can view them to make sure they are accurate amongst one another. It also should garner better accuracy in complaints.

803(a)(3)-Because there is such limited time to discover and investigate allegations, this clause is fair because it adds a little sliver of extra time. There was a cut-off added in and the Commissioner wanted to make sure plaintiffs could not show up to hearings with new elements to their cases. The Commissioner feels he was wrong in allowing a change in defendant at the last minute during last complaint period, and wants to make sure defendants' rights are clear.

803(b)-Updates time frame, because holding hearings at 12 noon on Wednesday would conflict with classes.

803(b)(4)-Outlaws hearsay and speculation specifically.

803(d)-This clarifies the Court's role in hearing Election Appeals and makes sure everyone realizes all of their rules are in effect except timeline and recording ones set by the Code.

901-This whole section is to clear up confusion and provide unity and clarity for college elections that run with CUSG. If a local school or college is adhering to those rules in its' elections, then it is adhering to the Preamble of the CUSG Constitution, and there is nothing anyone should have a problem with. But cases of a lack of Election Code due to disputes, sealed voter counts, and unclear results are appearing more frequently. It has been a real concern for some time. The Commissioner believes that if they are not holding elections with those three pillars listed, thean they are not upholding the Preamble portion of the Constitution.

903-This section outlines guidance for local schools and colleges to run with CUSG and creates a streamlined way to make sure there own school's rules are enforced, if they ask CUSG to do so.

Overall, this document reforms administrative works to make sure the Election Commission can remain as effective as possible, while allowing the Commission enough space to promote elections to achieve the highest voter turnout. There are a lot of Constitutional inaccuracies in the current Code that this bill fixes, as Elections is moving into an era of prosperity with record voter turnouts and candidate participation.

**THEREFORE BE IT ENACTED**:

**Section 1**: Adds Section 101 (b)(3) to read: Candidates: Are officially defined as students seeking CUSG elected office. For the purposes of this definition, a student becomes a candidate when the student turns in a petition packet with the requisite number of valid signatures or all required materials for candidacy.

**Section 2:** Adds the following statement to the end of S. 102 “ in accordance with the Preamble of the CUSG Constitution.”

**Section 3:** Changes 201(a) to submenu “Appointment”. 201(a) in the current Election Code becomes 201(a)(1). Changes 201(b) to 201(a)(2) and 201(b)(1) becomes 201(b) as well.

**Section 4:** Section 201(c) becomes Section 201(b)(1). Section 201(d) becomes 201(b)(2) and is changed from: “The Election Commissioner may be impeached and removed by a supermajority of twelve (12) members of the Legislative Council, or upon request by the Executive(s) subject to appeal by the Commissioner to Legislative Council.” to “The Election Commissioner may be impeached and removed by a supermajority of twelve (12) members of the Legislative Council, or upon demand by the Executive(s) subject to appeal by the Commissioner to Legislative Council. The Election Commissioner requires a two-thirds majority of those present and voting to win an appeal of the Executive(s) decision.”. 201(e) becomes 201(b)(3).

**Section 5:** Section 202(c) is changed from: “In the event of a disruption to the voting process the Election Commissioner may provide for additional time for voting. The amount of additional time should be reasonably related to the length and nature of the disruption. All post-election timelines may be adjusted as reasonably necessary as long as the extension does not exceed the duration of the extension of voting.” to “ In the event of a disruption to an election process specifically outlined by this Code, the Election Commissioner may provide for additional time. The amount of additional time should be reasonably related to the length and nature of the disruption. All post-disruption time-lines may be adjusted as reasonably necessary. The Election Commissioner must inform the Candidates in writing about the nature of the delay, and the exact time extension given. This notification must occur before the expiration of the original timeline stated in this Code or the original timeline will take precedence.”

**Section 6:** Adds “...or Executive(s).” to the end of 203(c).

**Section 7:** Changes “University of Colorado Student Union” to “University of Colorado Student Government” in Section 301.

**Section 8:** Changes “proceeding” to “preceding” in 302(a) and “recess” to “break” in 302(b) as a matter of grammatical error.

**Section 9:** Adds Section 302(c) which reads: “The Election Commissioner shall have the power to move the start times of both the Spring and Fall elections, either eight (8) hours forward (8:01 am Monday) or backward (4:01 pm Sunday) at his or her discretion. The Commissioner may also move backward by two (2) hours (6 pm Friday) the conclusion of the Election at his or her discretion. These are the only time changes allowed other than ones allowed by Section 202(c).”

**Section 10:** Adds Section 302(c)(1): “Written notice must be submitted to the Legislative Council, the Executive(s), and staff support, as well be listed in the petition packet if the start and end times are different than those defined in Section 3.2(a) and (b). The notice must be submitted no later than six weeks before the start of the Election.”

**Section 11:** Adds Section 303(c) which will read: “Section 3.3 shall be edited via Legislative Council bill to be Constitutionally compliant if changes in number of elected Representatives occur according to the rules set forth in Article III (B) 1. of the CUSG Constitution.”

**Section 12:** Adds in Section 402(c)(1) which will read: “The Commissioner may change the deadline Spring petitions are due to the fourth Monday before the election begins because of Spring Break. The due date for the petitions must be clearly stated on the petitions themselves.”

**Section 13:** Section 404(a) is changed from: “All candidates shall attend a candidates meeting the third Wednesday before the election begins.” to “All candidates shall attend a mandatory candidates meeting at a specified time and place within a week after petitions are due according to Section 402(c). The time and place of this mandatory meeting shall be written in the petition packet.”

**Section 14:** Changes “front office.” to “Office Manager.” in Section 404(e).

**Section 15:** Changes the end of 406(b) from “In the event of a tie, the tie shall be broken by a random drawing.” to “In the event of a tie, the tie shall be broken by a random drawing that is agreed upon by all parties involved in the tie.”.

**Section 16:** Changes 502(a)(2) from: “The students may initiate a Constitutional Amendment with the submission of a petition requesting the Constitutional Amendment be placed upon the ballot. The completed petition for the amendment must be delivered to the Election Commissioner no later than the Monday before the Mandatory Candidates and Referendum meeting.” to “The students may initiate a Constitutional Amendment with the submission of a petition requesting the Constitutional Amendment be placed upon the ballot. A petition must have five percent of University of Colorado Student Body as signatories to be placed on the ballot. The completed petition for the amendment must be delivered to the Election Commissioner no later than 5 pm on the Tuesday following the Mandatory Candidates and Referendum meeting. (Article XIII (A)(3) related to Article XVI of the CUSG Constitution)”

**Section 17:** Removes 502(b)(1) and 502(b)(2) and replaces them with a new 502(b)(1) which will state: “If an Amendment has a minimum of at least fifteen percent (15%) of eligible student voters vote on the amendment and of that fifteen percent, there must be a two-thirds majority of votes in favor of the passage of the amendment. (Article XVI (C.) of the CUSG Constitution.)”

**Section 18:** Removes 503(b) which states “The bill or resolution shall be adopted by referendum if the bill or resolution is approved by a majority of the students voting on adoption of the Referendum. Bills or resolutions shall not be presented to the Executive(s) for their consideration.” and replaces it with: “The equivalent of five percent of the University of Colorado at Boulder student body population in signatures of students shall be necessary to put a referendum on the ballot via student-petition. The completed petition for the referendum must be delivered to the Election Commissioner no later than 5 pm on the Tuesday following the Mandatory Candidates and Referendum meeting. (Article XIII (A)(3) of the CUSG Constitution)”

**Section 19:** Moves Section 503(c) to (d), and 503(d) to (e). Creates a new Section 503(c) which will read: “To pass in popular vote, the referendum must be approved by a majority of voters and have at least ten percent (10%) of the students eligible to vote at the time of the election, voting in favor of the referendum. Bills or resolutions shall not be presented to the Executive(s) for their consideration.”

**Section 20:** Creates Section 503(f) which will read: “Any referendum requesting a continuation or increase in student fees must be accompanied by a referendum purpose statement indicating an estimated list of uses for the referendum funds.”

**Section 21:** Creates Section 503(g) which will read: “No single referendum or Constitutional Amendment shall approve a change in total student fees for more than one percent (1%), nor commit the University of Colorado Student Government and/or its individual students to any financial obligation for longer than four fiscal years, without receiving both a favorable majority vote and at least twenty-five percent of the students eligible to vote at one time of the election. (Article XIII(D.) of the CUSG Constitution)”

**Section 22:** Moves Section 504(b) to (c). Moves 504(c) to (d). Moves 504(d) to (e). Creates new 504(b) which will read: “A petition to place a Initiative question on the ballot shall have the signatures of 1,000 students who are eligible to vote in CUSG elections. The completed petition for the amendment must be delivered to the Election Commissioner no later than 5 pm on the day petitions for candidacy are due.”

**Section 23:** Section 505(a) is removed which states: “A petition to place a Constitutional Amendment or Initiative question on the ballot shall have the signatures of 1000 students who are eligible to vote in CUSG elections.”

**Section 24:** Section 505(d) is removed which states: “Petitions to place a measure on the ballot shall be due at the same time as petitions for candidacy.”

**Section 25:** Section 505(b) becomes 505(a). Section 505(c) becomes 505(b). Section 505(e) becomes 505(c).

**Section 26:** The second Section 506(c) is corrected to read as 506(d).

**Section 27:** Changes Section 601(a) from: “Any candidate who engages in speech or publication that is 1) not protected by the Article II, Section 10 of the Colorado Constitution, and 2) would constitute defamation, discrimination, libel, or slander under Colorado law, is liable for an election violation and shall be issued 5 infractions per offense.” to ‘Any candidate who engages in speech or publication that is 1) not protected by the Article II, Section 10 of the Colorado Constitution, and 2) is in violation of the Colorado State Law regarding libel, slander, and defamation; which is currently: “A person who shall knowingly publish or disseminate, either by written instrument, sign, pictures, or the like, any statement or object tending to blacken the memory of one who is dead, or to impeach the honesty, integrity, virtue, or reputation or expose the natural defects of one who is alive, and thereby to expose him to public hatred, contempt, or ridicule, commits libel.”’

**Section 28:** Adds Section 601(b) which will read: “Slander follows all rules of Section (a) but if delivered by speech or word of mouth. Defamation can either be published or spoken.”

**Section 29:** Adds Section 601(c) which will read: “It shall be an affirmative defense that the publication or speech was true, except libels or slanders tending to blacken the memory of the dead and libels tending to expose the natural defects of the living.”.

**Section 30:** Moves Section 601(a)(1) to 601(c)(1).

**Section 31:** Adds Section 601(d) which will read: “Section 6.1 follows Colorado's definition of libel under criminal law C.R.S 18-13-105.”.

**Section 32:** Adds Section 601(e) which will read: “A candidate found guilty of Section 6.1 (a) or (b) shall be issued five (5) infractions.”

**Section 33:** Adds Section 602(c) which will read: “Candidates who file false finance reports will be issued one (1) infraction point for every hundred dollars they fail to report. Candidates will not be penalized for over-reporting their finance reports as long as they are underneath the financial limit. For the purposes of infraction points, amounts will be rounded to the nearest hundred. (e.g. $0-$49 unreported=0 points, $50-$149 =1 point, $150-$249 =2 points etc.)”

**Section 34:** Adds Section 602(d) which will read: “ If after investigation, candidate(s) are found to have exceeded their financial limit, they will be issued 10 infractions as stated in part (b) of this section.”

**Section 35:** Adds Section 603(a)(1) which will read: “ Chalking by a certain candidate is considered a campaign material as long as it is compliant with the CUUF policy on chalking.”

**Section 36:** Changes Section 603(b) which currently reads: “Any candidate may, without penalty, alter, deface, destroy, or remove any campaign materials that are placed on the candidate’s property, given or otherwise provided to the candidate, or if given permission by the owner or renter of property or the proctor of a campus building where materials have been placed.” to “Any candidate may, without penalty, alter, deface, destroy, or remove any campaign materials that are placed on the candidate’s property, given or otherwise provided to the candidate, is illegally placed according to University policies (specifically RHA with dorm flyers, CUUF with chalking, building proctors with academic building flyering, or Election Commission declarations with regards to tabling) or if given permission by the owner or renter of property or the proctor of a campus building where materials have been placed.”

**Section 37:** Adds Section 603(b)(1) which will read: “Any need for clarification on whether a campaign material is legal or not should be made to the Election Commissioner, unless the named proctor over the disputed area is readily available.”

**Section 38:** Changed the beginning clause of Section 605(a) from “Any candidate who campaigns:” to “Any candidate or ticket who campaigns:”.

**Section 39:** Moved Section 606: Candidate-Supporter Liability to 610.

**Section 40:** Added new Section 606: Cash Bribery which states the following:

“(a) Candidates are not allowed to distribute paper or coin currency of the United States of America (known as "cash") in exchange for vote(s) in a CUSG election.

(b) A candidate found guilty of bribing voters with cash will be charged three (3) infractions.

(c) A candidate can only be found a guilty of a maximum of three (3) infractions (one count), per election, under this section.

(d) A candidate found guilty of cash bribery will have their monetary bribery total that was proven in a hearing added to their finance report. If the Candidate goes over his or her spending limit because of previously unknown cash bribes, he or she will be disqualified under Section 6.2 (b).”

**Section 41:** Moved Section 607: Burden of Proof to 612.

**Section 42:** Created new Section 607: Trespassing of On-Campus Housing Properties “Dormstorming” which reads as follows: “(a) Candidates are not allowed in the personal living spaces of the campus dormitories controlled by Housing and Dining Services and maintained by the Residence Hall Association.

(1) Unless they are compliant with the Safety and Security Policy and Solicitation Policy listed in the Residence Hall Handbook.

(2) Or are a resident of that specific hall.

(b) Official complaints regarding Section 607 (a) may only be brought forth by the Residence Hall Association or a designee of the RHA. Individuals who have a complaint related to Section 607 (a) must go though the RHA which will conduct a independent investigation and decision on whether to file an official complaint. This is to avoid unfounded, or fraudulent accusations.

(c) If a candidate is found guilty of trespassing into the living spaces of campus dormitories for the purposes of promoting his or her chance at election, with the exceptions of situations listed in 607(a)(1)&(2), they will be charged five (5) infraction points for each instance. (Must be a different dorm or a different day.) Candidates violating this provision may be subject to consequences through the Office of Student Conduct.

(d) As of this writing, RHA has maintained that they will not endorse a ticket or candidate and will take a neutral stance when it comes to CUSG elections. If the Residence Hall Association in the future officially endorses a particular candidate(s) or engages in behavior that is considered biased by judgment of the CUSG Appellate Court, than Section 607 of this Code becomes null and void for the purposes of the current election.”

**Section 43:** Section 608: Disqualification is moved to Section 613.

**Section 44:** Creates a new Section 608: Election Fraud (Physical) which states the following: “(a) Physical Election Fraud is defined as the act of a candidate coercing voters to obtain votes, by means of obtaining their individual Identikey information, clicking their choices on the ballot physically, means of intimidation, or by means of physical threat.

(b) Section 6.8(a) shall institute a complete integration of Physical Election Fraud offenses.

(c) If a voter logged in with their appropriate Identikey information, clicked on each individual candidate they voted for themselves, and pressed the Submit button physically, that is a valid defense against physical election fraud.

(d) A candidate(s) guilty of Physical Election Fraud cannot have infractions imposed against him or her because of the complex and subjective nature of the infraction, but can have vote(s) stricken from the preliminary voter count for every offense(s) proven.

(1) If a candidate is a member of a ticket and is found guilty of Physical Election Fraud, then one (1) vote shall be stricken from the record of all candidates of the same ticket and same ballot.”

**Section 45:**  Moves Section 609: Integration of Offenses to 614.

**Section 46:** Creates a new Section 609: Election Fraud (Technical) which will state the following: “(a) Technical Election Fraud is defined as the "hacking" or use of a deceptive tactic to infiltrate a system related to voting that attempts to or dramatically alters the result of the election via manipulation.

(1) Such offenses are a serious nature compromising of CU Security and personal information.

(2) A member of OIT working with Elections and the CUSG Office Manager will file a statement or testify at the hearing regarding their experience with the system for that Election cycle if a case regarding 609(a) is heard.

(b) A candidate found guilty is liable for ten (10) infraction points.

(c) If the results are so dramatically altered that the winners of the election are not clear, then a new election will be held within three weeks with the undisqualified parties. All remaining timelines will be adjusted accordingly to Section 202(c) of this Code.”

**Section 47:** Creates Section 611: Candidate-Ticket Liability which will state the following: “(a) In the extreme case where an election infraction can be sufficiently proven to be caused by a candidate of a ticket, or a supporter of a ticket, but not sufficiently proven to be one specific individual's fault, the infractions levied can be split evenly amongst candidates of that ticket (e.g., 5 infraction offenses over 5 Representative-at-large candidates equals 1 infraction per candidate).

(1) The Commission(er) may use their discretion in levying infractions to candidates as long as it is done evenly. The Commission(er) must attempt to exculpate candidates who have a valid argument for non-involvement in the offense.”

**Section 48:** Changes were proposed in the first draft to old 607(a)/new 612(a). These changes have been removed, and the section will stand as listed in the current Code.

**Section 49:** Adds Section 612(c) which will read: “Misidentification of a defendant is grounds for an automatic dismissal of a complaint, a removal of the complaint from the record, and without rights to appeal to the Appellate Court.”

**Section 50:** Changes “by 7 pm the day after voting ends.” to “by 5 pm the first business day after voting ends.” in Section 702(a).

**Section 51:** Updates 702(b)(1) from: “The campaign contributions ledger shall provide the names of all contributors, the amounts contributed or the value, as determined by §601(1)(b), of goods or services paid for on the candidate’s behalf, and the total amount of all contributions. If the total amount exceeds the amount permitted by §601(2) & (3) the ledger shall indicate the credit as required by §601(4).” to “The campaign contributions part of the expenditure report shall provide the names of all contributors, the amounts contributed or the value, as determined by §701(a), of goods or services paid for on the candidate’s behalf, and the total amount of all contributions. If the total amount exceeds the amount permitted by §701(b) & (c) the ledger shall indicate the credit of unspent contributions.”

**Section 52:** Section 702(b)(2) is changed from: “The campaign contributions ledger shall list all expenditures made, the vendor from which the items were purchased, and the amount of the expenditure. Any goods or services purchased on the candidate’s behalf shall be listed as though they were purchased by the candidate, with the value determined in accordance with §601(1)(b).” to “The campaign expenditures part of the report shall list all expenditures made, the vendor from which the items were purchased, and the amount of the expenditure. Any goods or services purchased on the candidate’s behalf shall be listed as though they were purchased by the candidate, with the value determined in accordance with §701(a)(1).”

**Section 53:** Changes “by 8 am the Monday following the conclusion of the election.” to “by 8 am the business day following the day the finance reports are due.” in Section 802.

**Section 54:** Changes “prosecute” in Section 803(a) to “file a complaint against”. Also changes “prosecute or otherwise participate in the prosecution” to 'participate in the infraction process”.

**Section 55:** Changes “12 noon the Tuesday following...” to “5 pm the Tuesday following...” in Section 803(a)(1).

**Section 56:** Adds in Section 803(a)(3) (A)&(B) which will read as follows: “**(3)** The plaintiffs can add evidence or witnesses to their case up until 24 hours before the originally scheduled hearing as the process of discovery continues. The Commission(er) must notify the defendant and send over all written materials to the defendant as soon as possible if such changes are made.

**(A)** The defendant and his or her representatives can request a reasonable extension to build a defense if new information is provided according to 803(a)(3).

**(B)** The defendant(s) of the case can only be removed after the deadline; any other changes regarding the specific defendant(s) involved will force the case to be resubmitted to the Commissioner. If it is after the deadline for complaints, the new case will not be accepted.”

**Section 57:** Changes “At 12 noon Wednesday” to “Before seven days have passed” in Section 803(b).

**Section 58:** Adds Section 803(b)(4) which will read as: “Hearsay, or speculation is not admissible as evidence or allowed at the hearing.”.

**Section 59:** Changes “By 12 noon the Thursday following the conclusion of the election” to “By 5 pm of the following business day after the hearing,”. And changes both instances of “of law” to “of the Code” in Section 803(c).

**Section 60:** Replaces Section 803(d) which currently states: “Once the Election Commission has issued its opinion, either party or both parties may appeal the Election Commission’s decision to the CUSG Appellate Court. The parties to the appeal shall remain the complainant and the candidate(s).” to “Once the Election Commission has issued its opinion, the Commission will lend its jurisdiction to the CUSG Appellate Court. Either party or both parties may appeal the Election Commission’s decision to the CUSG Appellate Court. The parties to the appeal shall remain the complainant and the candidate(s). As long as an Appellate Court rule does not conflict with the guidelines stated in this section, all rules of the Appellate Court shall apply.”.

**Section 61:** Changes “of law” in Section 804(a) to “of the Election Code”.

**Section 62:** Replaces Section 901 which currently states “School and college elections shall occur in a manner provided by the student government of each school and college.” to “School and college elections shall occur in a manner provided by the student government of each school and college, and specific rules regarding the election should be done independently by the lead council of that college or school.” Also moves Section 901 to 902.

**Section 63:** Adds to the end of 902(b) “ and what rules the Commissioner will enforce in the Election.”. Also moves Section 902 to 903, thus making the clause Section 903(b).

**Section 64:** Adds Section 903(b)(1) which will read as: “The Memorandum of Understanding will be provided as an addendum to this Code and provided to all Candidates of that School.”.

**Section 65:**  Changes old 902(d)/new 903(d) last sentence from: “The Election Commissioner shall not enforce any local school or college election rules or hear complaints against local school and college candidates.” to “The Election Commissioner shall not enforce any local school or college election rules unless instructed to do so by the Memorandum of Understanding.”

**Section 66:** Adds a new Section 901: Purpose which will state the following:

“**(a)** The Election Commissioner shall attempt to ensure that Local School and College Elections are done in a free, fair, and transparent manner befitting to the purpose of the Preamble of the University of Colorado Student Government Constitution, which governs all local schools and colleges as well as this Code.

**(1)** Thus each Local School or College that requires a all-college election to determine its representatives must have:

**(A)** A neutral Election Administrator to ensure the election is done fairly.

**(B)** A voting system that allows open access and verification of all eligible voting members of that college or school, with results listing vote counts and winners available after the election.

**(C)** By-laws or an Election Code that governs the rules and eligibility of an election's candidates and voters.

**(2)** If a Local School or College is unable to fulfill those obligations, then it is highly recommended that the School enter in a Memorandum of Understanding to have CUSG run their elections, with bylaws and rules of eligibility set forth in the Memorandum by the school that will be listed as an Addendum to this Election Code.”

**Section 67:** Changes “Noting” in Section 1101(c)(1) to “Nothing” as a matter of grammatical clarity.

**Section 68:** Adds Section 404(g) which will read as: “With their Candidate Verification Contract that confirms how a candidate's name will appear on the ballot and ticket affiliation, they must sign the following statement: “The University of Colorado Student Government is committed to maintaining a positive learning, working, and living environment for its' elections. Candidates shall not discriminate on the basis of race, color, national origin, sex, age, disability, creed, religion, sexual orientation, or veteran status when interacting with fellow candidates and the Student Body. CU-Boulder will not tolerate acts of discrimination or harassment based upon Protected Classes, or related retaliation against or by any candidate or supporters of a candidate.”

**Section 69:** This bill takes effect with approval of two-thirds of Legislative Council and two Executive signatures or if no action is taken within six days after the passage of the second reading of the bill.

**Vote Count**

**02/23/2012 Moved to Election Committee 8-5-2**

**04/26/2012 Not carried over to Session 77**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Andrew Yoder Brian Taylor

President Legislative Council President

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Carly Robinson Brooks Kanski

Vice President – Internal Affairs Vice President – External Affairs