



# Student Government

UNIVERSITY OF COLORADO **BOULDER**

## University of Colorado Student Government Legislative Council

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77LCB10 – Election Code Reform

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## A Bill to Reform the Election Code

### Bill History

In the words of Winston Churchill, “Democracy is the worst form of government, except for all those others that have been tried.” Student government elections are an important opportunity for students to have a voice in how their student fees are spent and how they are represented to university administrators and the outside world.

As an organization, it is imperative that student government constantly be striving for self-improvement and to be more fair and representative. It is incredibly important that the Election Code include every possible infraction in a manner that is both concise and clear. The code must provide a definition of what exactly constitutes a fair election. This bill seeks to do just that. The Sixth Chapter, which describes individual infractions, has been updated to include language prohibiting actions that have been deemed unethical or unlawful in the past, but were not mentioned in prior versions of the code. This includes campaigning in the dorms, digitally tampering with election software, and using harassment or intimidation for the purposes of furthering one’s own election prospects.

This bill also seeks to amend injustices in the Election Code by closing financial loopholes that could be exploited by those individuals and tickets who might seek to use personal financial privilege to influence or even “buy” an election. It provides students with more time to prepare for an election cycle, in anticipation of the implementation of an expanded informational week prior to the election week. This was done in hopes that more of an effort would be made to inspire students to think critically about the candidates and policies that they will have the opportunity to vote on.

## Bill Summary

**Whereas**, the election period of 116 hours of voting is excessively long and doesn't promote academic excellence amongst the candidates nor safe campaigning strategies;

**Whereas**, information about the election, candidates, and ballot initiatives needs to be better disseminated to the student body prior to the week of elections;

**Whereas**, "dorm-storming" is a serious issue for the legitimacy of elections and needs to be addressed;

**Whereas**, elections should be accessible to any eligible student to promote their candidacy irrespective of their class privilege;

**Whereas**, harassment of any candidate on the basis of a protected class shall not be tolerated;

**Whereas**, in the event of a tie, a random decision is not consistent with the principles of a democratic election;

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**THEREFORE, BE IT RESOLVED by the Legislative Council of the University of Colorado Boulder Student Government, THAT THE ELECTION CODE BE MODIFIED TO:**

**Section 1:** Append a new Election Code Section 202 (d): Duties and Responsibilities, which states:

"The Election Commissioner shall also be responsible for encouraging students to research candidates, initiatives, and amendments to be considered and to think critically about the implications of their vote."

**Section 2:** Repeal and nullify Election Code Section 302 (a): Election Schedule, which states:

"The fall elections shall begin at 12:01 am on the Monday proceeding the last Friday of October and shall conclude at 8pm on the last Friday of October."

and append a new Election Code Section 302 (a): Election Schedule, which states:

"The fall elections shall begin at 8:00 am on the Monday preceding the last Thursday of October and shall conclude at 8:00 pm on the last Thursday of October."

**Section 3:** Repeal and nullify Election Code Section 302 (b): Election Schedule, which states:

"The spring elections shall begin at 12:01 am on the second Monday following spring recess, as defined by the academic calendar, and shall conclude at 8pm on the second Friday of the same week."

and append a new Election Code Section 302 (b): Election Schedule, which states:

"The spring elections shall begin at 8:00 am on the second Monday following spring break, as defined by the academic calendar, and shall conclude at 8:00 pm on the second Thursday of the same week."

**Section 4:** Append a new Election Code Section 302 (c): Election Schedule, which states:

“Written notice must be submitted to the Legislative Council President, the Executive(s), and CUSG office staff, as well be listed in the petition packet, if the start and end times are different than those defined in Section 302 (a) and (b). The notice must be submitted no later than seven weeks before the start of the election.

**Section 5:** Repeal and nullify Election Code Section 402 (a): Petitions, which states:

“Campaign packets, consisting of candidacy petition, preliminary election code, CUSG Appellate Court Bylaws and University Facilities General Policy (CUUF), shall be made available at least six weeks prior to the week of election.”

and append a new Election Code Section 402 (a): Petitions, which states:

“Campaign packets, consisting of candidacy petition, preliminary Election Code, CUSG Appellate Court Bylaws, and University Facilities General Policy (CUUF), shall be made available at least seven weeks prior to the week of the election.”

**Section 6:** Repeal and nullify Election Code Section 402 (c): Petitions, which states:

“All petitions shall be submitted by 5pm the third Monday before the election begins.”

and append a new Election Code Section 402 (c): Petitions, which states:

“All petitions shall be submitted by 5:00 pm on Monday four weeks prior to the beginning of the election.”

**Section 7:** Repeal and nullify Election Code Section 403 (a): Write-in Candidates, which states:

“Any eligible student may be declared a write-in candidate if they submit a declaration stating their intent to be a write-in candidate by 5:00 p.m. on the Friday three weeks prior to the election.”

and append a new Election Code Section 403 (a): Write-in Candidates, which states:

“Any eligible student may be declared a write-in candidate if they submit a declaration stating their intent to be a write-in candidate by 5:00 pm on the Friday four weeks prior to the election.”

**Section 8:** Repeal and nullify Election Code Section 404 (a): Candidates Meeting, which states:

“All candidates shall attend a candidates meeting the third Wednesday before the election begins.”

and append a new Election Code Section 404 (a): Candidates Meeting, which states:

“All candidates shall attend a candidates meeting the Wednesday four weeks prior to election.”

**Section 9:** Append a new Election Code Section 405: Candidate Debates, which states:

“The Election Commissioner will facilitate at least one and preferably two candidates debates before the week of elections — ideally, one debate two weeks prior to the week of elections and another debate immediately preceding the opening of voting.

The debate should be recorded and made accessible online to all voting students under the Election Commissioner's supervision."

**Section 10:** Repeal and nullify Election Code Section 406 (b): Election to Office, which states:

"The candidates receiving the greatest number of votes for the office of Representative-at-large shall be elected until all open seats are filled. In the event of a tie, the tie shall be broken by a random drawing."

and append a new Election Code Section 406 (b): Election to Office, which states:

"The candidates receiving the greatest number of votes for the office of Representative-at-Large shall be elected until all open seats are filled. In the event of a tie, the tie shall be broken by an additional day of voting to begin the next day, Friday, at 8:00 am and to end at 5:00 pm of the same day. The Election Commissioner will notify all candidates involved in the tie-breaker vote by 10:00 pm on the last day of elections and will communicate the tie-breaker vote to the student body through as many outlets as feasible such as the CUSG website, University of Colorado Boulder website, electronic messaging boards around campus, and a campus-wide email.

**Section 11:** Append a new Section 602 (c): Campaign Finance, which states:

"Campaigns who underreport their finances will be issued one (1) infraction point for every fifty (50) dollars they fail to report. Infraction points shall be allotted as follows: \$0-\$50 underreported = 0 points, \$51-\$100 underreported = 1 point, \$101-\$150 underreported = 2 points, and etc."

**Section 12:** Append a new Election Code Section 606: Bribery, which states:

"Candidates are forbidden from committing an act of bribery. Bribery constitutes the following, as defined by the Colorado Revised Statutes 1-13-720:

(a) paying, loaning, or contributing, or offering or promising to pay, loan, or contribute, any money or other valuable consideration to or for any elector, or to or for any other person, to induce such elector to vote or refrain from voting at any election or to induce any elector to vote or refrain from voting at such election for any particular person or to induce such elector to go to the polls or remain away from the polls at such election or on account of such elector having voted or refrained from voting for any particular person or issue or having gone to the polls or remained away from the polls at such election; or

(b) Advancing or paying, or causing to be paid, any money or other valuable thing to or for the use of any other person with the intent that the same, or any part thereof, shall be used in bribery at any election provided by law or to knowingly pay, or cause to be paid, any money or other valuable thing to any person in discharge or repayment of any money wholly or partially expended in bribery at any such election; or

(c) Giving, offering, or promising any office, place, or employment or to promise, procure, or endeavor to procure any office, place, or employment to or for any elector, or to or for any other person, in order to induce such elector to vote or refrain from voting at any election provided by law or to induce any elector to vote or refrain from voting at such election for any particular person or issue.

(d) Candidates found guilty of bribery according to this section shall receive one (1) infraction point for each unique offense.”

**Section 13:** Append a new Election Code Section 607: Dorm-Storming, which states:

“(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 residence hall.

(b) Official complaints regarding Section 607 (a) may only be brought forth by the Residence Hall Association or designee of RHA. Individuals who have a complaint related to Section 611 (a) must go through RHA, which will conduct an independent investigation and decision on whether to file a official complaint.

(c) If a candidate is found guilty under section 607 (a) for the purposes of promoting his/her candidacy, with the exceptions of 607 (a) (1) and (2), they shall receive 4 (four) infraction points for each unique offense.”

**Section 14:** Append a new Election Code Section 608: Campaigning Around Alcohol, which states:

“(a) Candidates and supporters may not campaign on the property of any location legally authorized to sell or serve alcohol or other controlled substances such as marijuana.

“(b) Candidates and supporters may not campaign in any location at which the reasonable observer would perceive that 75% (seventy-five percent) of all potential voters present are intoxicated or under the influence of other controlled substances including marijuana.

(c) If a candidate is found guilty under section 608 (a) for the purposes of promoting his/her candidacy, they shall receive 3 (three) infraction points for each unique offense.”

**Section 15:** Append a new Election Code Section 609: Harassment, which states:

“All candidates are expressly prohibited from harassing other candidates, student voters, or community members in an effort to further their campaign. Harassment shall be defined by the Office of Discrimination and Harassment, which states:

“(a) Harassment based upon race, color, national origin, sex, pregnancy, age, disability, creed, religion, sexual orientation, gender identity, gender expression or veteran status is conduct that interferes with an individual's work or academic performance or participation in University programs or activities, and creates a working or learning environment that a reasonable person would find threatening, intimidating, or hostile.

(b) Sexual harassment is unwelcome sexual attention that unreasonably interferes with an individual's working or learning environment. It may involve intimidation, threats, coercion, sexual advances, requests for sexual favors or other verbal, non-verbal or physical conduct of a sexual nature.

(c) Harassment is specifically defined as physically assaulting or repeatedly intimidating, teasing, mocking or joking based on an individual's race, color, national origin, sex, pregnancy,

age, disability, creed, religion, sexual orientation, gender identity, gender expression, student group or team affiliation, political affiliation, place of residence/birth or veteran status, or repeatedly directing racial or ethnic slurs at an individual.

If a candidate is found guilty of Harassment, they shall receive 4 (four) infraction points for each unique offense.”

**Section 16:** Append a new Election Code Section 610: Electronic Voter Fraud, which states:

“Any attempt by a candidate to hack into or attempt to hack into myCUinfo or the iVote system to fraudulently alter or access vote counts shall receive 10 (ten) infraction points.”

**Section 17:** Repeal and nullify Election Code Section 701 (b): Campaign Expenditures, which states:

“A candidate for Representative-at-large may not spend more than \$500 in the furtherance of their campaign.”

and append a new Election Code Section 701 (b): Campaign Expenditures, which states:

“A candidate for Representative-at-large may not spend more than \$200 in the furtherance of their campaign.”

**Section 18:** Repeal and nullify Election Code Section 701 (c): Campaign Expenditures, which states:

“A candidate for Executive(s) may not spend more than \$1,500 in the furtherance of their campaign.”

and append a new Election Code Section 701 (c): Campaign Expenditures, which states:

“A candidate for the Executive may not spend more than \$500 (to give single or dual executive tickets a chance to compete with tri-executive tickets) in furtherance of their campaign. Should more than one candidate seek the Executive Office as outlined in the Tri-Executive model in Article II Section B.1. of the Executive Bylaws, or any other proposed configuration, the Executive candidates as a conglomerate will still be limited to \$1,000 in furtherance of their campaign.”

**Section 19:** Append Election Code Section 701 (d): Campaign Expenditures, which states:

“A candidate for Senator on the Council of Colleges and Schools may not spend more than \$200 in furtherance of their campaign. Should two candidates campaign together with the purpose of serving as Co-Senators for a school or college, they will also be limited to \$200 in furtherance of their campaign.”

**Section 20:** Append Election Code Section 701 (e): Campaign Expenditures, which states:

“A candidate running for any position whose permitted campaign expenditures are not specified by Section 701 of the Election Code is limited to \$100 in furtherance of their campaign. This includes, but is not limited to, candidates for positions on the Arts and Sciences Student Government, the University of Colorado Engineering Council, and the other governments of the autonomous Schools and Colleges.”

**Section 21:** Repeal and nullify Section 702 (a): Campaign Contribution and Expenditure Report, which states:

“All candidates shall submit a candidate’s contribution and expenditure report by 7 pm the day after voting ends.”

and append a new Election Code Section 702 (a): Campaign Contribution and Expenditure Report, which states:

“All candidates shall submit a candidate’s contribution and expenditure report by 5:00 p.m. the first Monday after voting ends.”

**Section 22:** Repeal and nullify Election Code Section 803 (a): Election Offense Resolution, which states:

“Any person eligible to vote in the election may prosecute a candidate for the commission of an election offense. To preserve independence and neutrality the Election Commissioner shall not prosecute or otherwise participate in the prosecution of an election offense except in a manner as provided in this section.”

and append a new Election Code Section 803 (a): Election Offense Resolution, which states:

“Any person eligible to vote in the election may file a complaint against a candidate for the commission of an election offense. To preserve independence and neutrality, the Election Commissioner shall not file any complaints against any candidate for the commission of an election offense except in a manner consistent with this section.”

**Section 23:** Repeal and nullify Election Code Section 803 (a) (1): Election Offense Resolution, which states:

“All complaints shall be filed by 12 noon the Tuesday following the conclusion of the election. The complaint shall be filed with the Election Commissioner and a copy shall be served upon the named candidate(s). The complaint shall be titled *CUSG ex rel [complainant’s name] v. [candidates(s)]*. If no complaint is filed by this time, the Election Commissioner shall certify the results.

and append a new Election Code Section 803 (a) (1): Election Offense Resolution, which states:

“All complaints shall be filed by 5:00 pm the Tuesday following the conclusion of the election. The complaint shall be filed with the Election Commissioner and a copy shall be served upon the named candidate(s) as expeditiously as possible. The complaint shall be titled *CUSG ex rel [complainant’s name] v. [candidates(s)]*. If no complaint is filed by this time, the Election Commissioner shall certify the results.”

**Section 24:** Repeal and nullify Election Code Section 804 (a): Certification of Results, which states:

“The Election Commissioner shall certify the election as provided in this code. The Election Commissioner has no authority to extend or otherwise alter the deadlines in this code unless the Election Commissioner exercised his or her authority under 202(c) of this code. If the

Election Commissioner fails to certify the election as provided in this code the election shall be certified automatically by operation of law.”

and append a new Election Code Section 804 (a): Certification of Results, which states:

“The Election Commissioner shall certify the election as provided in this code. The Election Commissioner has no authority to extend or otherwise alter the deadlines in this code unless the Election Commissioner exercised his or her authority under 202 (c) of this code. If the Election Commissioner fails to certify the election as provided in this code, the election shall be certified automatically by operation of the Election Code.”

**Section 25:** Repeals and nullifies Election Code Section 902 (b): Use of CUSG Elections, which states:

“Each school or college desiring to use the CUSG online voting process shall enter into a memorandum of understanding with the Election Commissioner. The memorandum of understanding shall indicate how a person may qualify to appear on the ballot and whether the Election Commissioner will advertise or otherwise promote the local school or college election or candidates.”

and append a new Election Code Section 902 (b): Use of CUSG Elections, which states:

“Each school or college desiring to use the CUSG online voting process shall enter into a memorandum of understanding with the Election Commissioner. The memorandum of understanding shall indicate how a candidate may qualify to appear on the ballot and whether the Election Commissioner will advertise or otherwise promote the local school or college election or candidates. The memorandum of understanding shall also obligate any candidate running for a position on that school’s or college’s student government or the Legislative Council to comply with the conditions and expectations delineated in Sections 401 and 402 and Chapters 6 and 7 of the Election Code.”

**Section 26:** Renames Election Code Section 405, Withdrawal, to Election Code Section 407, Withdrawal; Election Code Section 606, Candidate-Supporter Liability, to Section 611, Candidate-Supporter Liability; Election Code Section 607, Burden of Proof, to Election Code Section 612, Burden of Proof; Election Code Section 608, Disqualification, to Election Code Section 613, Disqualification; and Section 609, Integration of Offenses, to Election Code Section 614, Integration of Offenses.

**Section 27:** Sections 2, 6, 7, 8, and 9 will not be enforced until the CUSG elections in the spring of 2013.

**Section 28:** This bill shall take effect upon passage by the Legislative Council and upon either obtaining the signatures of the Legislative Council President and two Tri-Executives or the lapse of six days without action by the Tri-Executives.

#### Vote Count

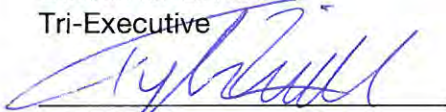
09/13/2012	Passed on 1 <sup>st</sup> reading	14-1-2
09/20/2012	Motion to pass as introduced	1-15-2
09/20/2012	Amendment to Bill History	Acclamation
09/20/2012	Strike amendment to Code §301/study abroad	Acclamation
09/20/2012	Amendment to Code §405/debates	Acclamation
09/20/2012	Amendments to Code §302b and §602c	13-3-2



09/20/2012	Amendment to new Code §607/apartments	6-10-2
09/20/2012	Amendment to add new Code §608/alcohol	10-5-3
09/20/2012	Amendment to reduce proposed fund limits	7-9-2
09/20/2012	Amendment to Code §701b,c,d as proposed	Acclamation
09/20/2012	Amendment to new Code §607c	12-4-2
09/20/2012	Passed on 2 <sup>nd</sup> reading	15-1-2



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