



University of Colorado Student Government  
Legislative Council

January 18, 2014

80 LCB 07—The BUFFED Elections Act

## A Bill to Reform the Election Code

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### The BUFFED Elections Act

The Building Universally Fair, Free, Efficient, and Democratic Elections Act

<b>Sponsored by:</b>	<b>Wyatt Ryder</b>	<b>Election Commissioner</b>
	<b>Catherine Bogart</b>	<b>Journalism Senator</b>
	<b>Anna Henderson</b>	<b>Education Senator</b>
	<b>Colin Wichman</b>	<b>Representative-at-Large</b>
	<b>Mitchell Fenton</b>	<b>Representative-at-Large</b>
	<b>Alex Mitoma</b>	<b>Representative-at-Large</b>
	<b>Lauren Cross</b>	<b>Director of Communications</b>
	<b>Lora Roberts</b>	<b>Chief-of-Staff</b>

**Authored by:** Wyatt Ryder Election Commissioner

#### Bill History

The cornerstone of any democratic institution, elections are an important part of CU Student Government. For many years, CUSG has operated elections based off of an outdated Election Code that has been revised only a handful of times. In order ensure that loopholes are closed and serious issues are addressed, the Election Code is in need of revision.

THEREFORE BE IT ENACTED by the University of Colorado Student Government that:

**Section 1:** Repeal and nullify Election Code section 301, which states: "Any CUSG base fee paying member of the University of Colorado Student Union shall be entitled to vote.

**Section 2:** Append a new Election Code section 301(a), which states: "Any CUSG base fee paying member of the University of Colorado Student Government shall be entitled to vote."

**Section 3:** Append a new Election Code section 301(b), which states: "Persons not attending the University of Colorado Boulder on the Boulder campus and who are not currently in the state of Colorado or the United States for the purposes of study abroad or similar programs shall not be eligible to vote in ongoing elections until the time at which they have physically returned to the campus located at Boulder, Colorado."

**Section 4:** Repeal and nullify Election Code section 401, which states: "Any student paying full CUSG student fees is eligible to be a candidate for CUSG office. Eligibility shall be determined by the Election Commissioner. If at any time a person is found to be ineligible they shall be removed from further consideration for candidacy or election."

**Section 5:** Append a new Election Code section 401(a), which states: "Any student paying full CUSG student fees is eligible to be a candidate for CUSG office. Eligibility shall be determined by the Election Commissioner. If at any time a person is found to be ineligible they shall be removed from further consideration for candidacy or election."

**Section 6:** Append a new Election Code section 401(b), which states: "No candidate shall be disqualified because of past, current, or pending civil or criminal action in courts, or for reasons of incarceration."

**Section 7:** Append a new Election Code section 401(c), which states: "No candidate shall be charged a registration or petition fee."

**Section 8:** Append a new Election Code Chapter 14: "Non-Discrimination Statement", and a new Election Code section 1401, which states: "The right of a student to vote shall not be denied or abridged by the University of Colorado Student Government on the basis of race, color, national origin, sex, age, disability, creed, religion, sexual orientation, gender identity, gender expression, political affiliation, or veteran status."

**Section 9:** Append a new Election Code section 1402, which states: "The right of a student to be a candidate for CUSG office shall not be denied or abridged by the University of Colorado Student Government on the basis of race, color, national origin, sex, age, disability, creed, religion, sexual orientation, gender identity, gender expression, political affiliation, or veteran status."

**Section 10:** Append a new Election Code Chapter 15: "Tabling Regulations", and a new Election Code section 1501, "Tabling", and a new Election Code section 1501(a), which states: "The number of tables permitted during an election shall be determined by the Election Commissioner and the campaign managers of the several tickets two weeks prior to the start of the election. The number of tables shall be equal amongst all tickets. In the event that consensus is not reached on the number of tables permissible, the Election Commissioner shall maintain the ultimate authority to determine a final number of tables permissible."

**Section 11:** Append a new Election Code, section 1501(a)(i), which states: "Should there be independent candidates who participate in an election, any independent candidates shall be invited to attend the meeting at which the number of tables during the election is set."

**Section 12:** Append a new Election Code, section 1501(a)(ii), which states: "Should there be independent candidates who participate in an election, any independent candidates shall be permitted to have the same number of table as is permitted for each ticket."

**Section 13:** Append a new Election Code section 1501(b), which states: "The Election Commissioner shall have the authority to set a specific list of locations in which tabling is permitted. This list shall be released to the candidates two weeks prior to the start of the election. The Election Commissioner shall have the authority to revise the approved list of tabling locations at any time prior to or during an election, and shall communicate all changes in a timely manner to candidates. Candidates who table in unauthorized locations shall be held liable under the terms of the Election Code for five (5) infractions per unique offense."

**Section 14:** Append a new Election Code section 1501(c), which states: "The Election Commissioner shall have the authority to set permissible hours for tabling in each location, and shall release the hours of permissible tabling for each location two weeks prior to the start of an election. The Election Commissioner shall have the authority to revise the approved list of tabling locations at any time prior to or during an election, and shall communicate all changes in a timely manner to candidates. Candidates who table in unauthorized locations shall be held liable under the terms of the Election Code for two (2) infractions per unique offense."

**Section 15:** Append a new Election Code section 1501(d), which states: "Tabling must be in compliance with the Campus Use of University Facilities (CUFF) policies. Candidates who fail to abide by these policies shall be held liable under the terms of the Election Code for two (2) infractions per unique offense."

**Section 16:** Append a new Election Code section 1501(e), which states: "Persons may only display and provide informational materials and materials provided by CUSG on their candidacy-promoting tables. Candidates found in violation of this section of the Code shall be liable for five (5) infractions per each unique offense."

**Section 17:** Append a new Election Code section 1501(e)(i), which states: "For the purposes of this Code, the distribution of multiple consumables or prohibited items shall constitute one unique offense."

**Section 18:** Repeal and nullify Election Code section 406(b), 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 Friday following the last day of voting at 8:00 a.m. and to end at 5:00 p.m. of the same day. The Election Commissioner will notify all candidates involved in the tie-breaker vote by 10:00 p.m. 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 19:** Append a new Election Code section 406(b), 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 Monday following the last day of voting at 8:00 a.m. and to end at 5:00 p.m. of the same day. The Election Commissioner will notify all candidates involved in the tie-breaker vote by 10:00 p.m. 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 20:** Append a new Election Code section 406(c), which states: “In the event of a tie and subsequent run-off election, all deadlines already set by the Election Code shall remain valid. Should any deadlines need to be extended, the Election Commissioner shall submit written notice to the Legislative Council President, the Executive(s), and CUSG office staff.”

**Section 21:** Append a new Election Code section 406(d), which states: “If after a tied race there are subsequent ties, the Election Commissioner shall have the authority to determine an appropriate course of action, including the ability to set additional days of voting.”

**Section 22:** Append a new Election Code section 701(f), which states: “No campaign funds may be spent in furtherance of office on consumables to be given to the public or on any goods which would constitute bribery as defined by the Colorado Revised Statutes 1-13-720. Candidates found in violation of this section of the Code shall be liable for five (5) infractions per each unique offense. “

**Section 23:** Append a new Election Code section 612: “Tabling Offenses”, which states: “Violation of any tabling regulations as stated in the Election Code sections 1501(a), 1501(b), 1501(c), or 1501(d) shall result in two (2) infractions per each unique offense. Candidates found in violation of Election Code section 1501(e) shall result in five (5) infractions per each unique offense.”

**Section 24:** Append a new Election Code section 612, which states: “Candidates found in violation of section 701(f) of this Code shall result in five (5) infractions per unique offense.”

**Section 25:** Repeal and nullify Election Code section 803(a), 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 as provided in this section.”

**Section 26:** Append a new Election Code section 803(a), which states: “Any person eligible to vote in the election may file a complaint against a candidate for the commission of an election offense. The Election

Commissioner preserves the authority to file election complaints provided sufficient evidence is existent.”

**Section 27:** Renumber Election Code section 611: “Candidate-Supporter Liability” to Election Code section 613: “Candidate-Supporter Liability”.

**Section 28:** Renumber Election Code section 612: “Burden of Proof” to Election Code section 614: “Burden of Proof”.

**Section 29:** Renumber Election Code section 613: “Disqualification” to Election Code section 615: “Burden of Proof”.

**Section 30:** Renumber Election Code section 614: “Integration of Offenses” to Election Code section 616: “Integration of Offenses”.

**Section 31:** Append a new Election Code Chapter 16, “Independent Candidates”, which states: “Should there be any independent candidates in an election, they shall be invited to attend and participate in all meetings and debates. Independent candidates shall be subject to all campaign finance regulations outlined in Chapter 7 of this Code.”

Section 32: Campaign funds may be used to provide campaign volunteers and candidates associated with their own ticket items to be used in furtherance of a campaign including, but not limited to shirts or buttons. These items may not be passed out to the general public as stated in 1501(e) and 701(f) of the election code.

Section 33: Repeal and nullify election code section 606(d), which states: “Candidates found guilty of bribery according to this section shall receive one (1) infraction point for each unique offense.” Append a new election code section 606(d), which states: “Candidates found guilty of bribery according to this section shall receive two (2) infraction point for each unique offense.”

**Section 34:** This bill shall take effect upon passage by the Legislative Council and upon either obtaining the signatures of two Tri-Executives or the lapse of six days without action by the Tri-Executives.

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### Vote Count

02/06/2014	Passed on 1 <sup>st</sup> reading	Acclamation
02/13/2014	Amendments to Sec. 16 (4 total)	Acclamation
02/13/2014	Amendment to add new section (32)	Acclamation
02/13/2014	Failed to amend Sec. 33 to 3 infractions	3-10-3
02/13/2014	Amend Sec. 33 to 2 infractions	15-1-0
02/13/2014	Amendments to Sec. 33	15-1-0

02/13/2014  
02/13/2014

Call to previous question  
Passed on 2<sup>nd</sup> reading


Acclamation  
Acclamation

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Chris Schaeftbauer  
President of Student Affairs

  
Juedon Kebede  
Legislative Council President

  
Ellie Roberts  
President of Internal Affairs

  
Marco Dorado  
President of External Affairs