

THE CLARKSON UNIVERSITY STUDENT ASSOCIATION
ELECTION BY-LAWS
December 2011

Section 1 – Membership of the Elections & Policy Committee

The membership of the Elections & Policy Committee, hereinafter referred to as "E.P.C.", shall consist of the Chairman, who shall be a senior CUSA Senator appointed to the position by the CUSA Executive Board, and all other senior CUSA Senators with the exception of a Senior Permanent Committee Chairman.

Section 2 – Powers and Duties of the Elections & Policy Committee

A) The E.P.C. shall administer and operate all elections under the jurisdiction of the CUSA Senate and shall provide for strict enforcement of rules of conduct regarding campaign and election procedures.

B) The E.P.C. shall make all necessary arrangements to insure efficient, equitable, and convenient elections and shall run and maintain all the CUSA Senate elections on an impartial basis. The E.P.C. has the power to set rules or arrangements that pertain to the current elections where they do not already exist in the By-Laws or Constitution.

C) The E.P.C. shall insure that all candidates are informed of all election dates and procedures.

D) The E.P.C. shall investigate any complaints of possible discrepancies in any CUSA Senate election or any election of any club funded by the CUSA.

E) The E.P.C. shall, prior to any election held under the jurisdiction of the CUSA Senate, prepare any necessary information for prospective candidates and shall make available to all candidates a complete written or electronic copy of all election rules as well as any papers or brochures which the CUSA Senate may publish from time to time regarding the duties and obligations of the various offices of the CUSA Senate. The E.P.C. shall inform all candidates of the resources and facilities which are available for use in campaigning and the procedures and restrictions associated with the use of these resources and facilities. The E.P.C. shall make the above information available at any time until the close of elections for the use of any write-in candidates.

F) The E.P.C. shall determine the dates and (if necessary) polling places for each election and shall make them public at least one (1) week before the close of nominations.

G) The E.P.C. shall review the qualifications and conduct of each candidate and may recommend to the CUSA Senate disqualification of any candidate if it deems it necessary.

H) The E.P.C. shall, prior to each election, submit a complete list of candidates to all student-run media outlets at the discretion of the E.P.C.

I) The E.P.C. shall constantly seek and implement methods of improving election efficiency, equity and convenience.

J) The E.P.C. shall recommend changes in the Elections By-Laws to the CUSA Senate for approval.

K) The E.P.C. shall assume all other duties required of it by, and act in accordance with, the Constitution, By-Laws and acts of the CUSA Senate.

Section 3 – Powers and Duties of the Chairman of the Elections & Policy Committee

A) The Chairman of the E.P.C. shall be responsible for all work done by the E.P.C. He/she may delegate responsibility to members of the E.P.C. as necessary. In the event that the E.P.C. cannot meet before a decision must be made, the Chairman has the power to set rules or arrangements that pertain to the current election where they do not already exist in the By-Laws or Constitution.

B) The Chairman shall have full power to appoint a current CUSA Member to be an Elections Official if needed. If the election official fails to follow their duties, powers, responsibilities or election By-Laws, they may be removed from the CUSA Senate. The Chairman will take all complaints about elections officials and make the appropriate recommendations to the CUSA Senate.

C) The Chairman shall be responsible for thoroughly informing and educating members of the E.P.C. and election officials of their duties, powers and responsibilities.

D) The Chairman shall submit a complete report of the election to the CUSA Senate according to the procedure outlined in these By-Laws. This report should include:

- 1) The complete numerical tabulation of the election results.
- 2) A report of any complaints received and action taken.
- 3) Any recommendations for disqualification of any candidate.
- 4) A detailed description of the procedures used in administering the election.
- 5) An evaluation of the election and recommendations for improvement.

This report shall be placed in the CUSA Senate files along with the record of actions taken.

E) Elections will be held on PeopleSoft, but in the event of a PeopleSoft failure, the Chairman may decide, with the approval of the CUSA Executive Board, to hold elections via paper ballot. In this case, Section 14 of this document will guide this process.

Section 4 – Qualifications

(A) All undergraduate students of Clarkson University who have paid their activities fees are voting members of the CUSA and may hold office within the CUSA Senate, subject to specific requirements for the CUSA Executive Board candidacy as detailed in Article VII of the

Constitution of the CUSA. Especially the clauses stating that each Executive Board officer must have served on the CUSA Senate at least one (1) full term, with a full term being defined as one (1) academic year. In the event that no such interested candidate exists, the CUSA Executive Board shall, upon approval by the entire CUSA Senate, use their own discretion to install the most qualified candidate.

(B) Candidates who know they are taking a semester away in the upcoming year may not run for a CUSA Executive Board or Class Officer positions. Candidates who know they are going to be taking a semester off in the fall can not run for a CUSA Senator position, but they can run for a CUSA Senate position if they are only going to be away for the spring semester. If a candidate knows he/she is going to be gone for the spring semester, they, with the remaining CUSA Senators of the respective class, must find a replacement before the candidate leaves office in December. Candidates who are on semester away in the current year but will be back for the full upcoming year may run for a position.

Section 5 – Time of Elections

A) Elections shall be held for a minimum of 48 hours on the days PeopleSoft is online. Elections shall be held only on a Tuesday, Wednesday, or Thursday. All poll hours will be continuous.

B) In the event of a failure of PeopleSoft to be up and running for at least 4 hours each day, votes will be null and reelections will be held a week later with an announcement email sent to all students notifying them of the change at least five (5) days before the reelection.

(C) In the fall semester, six (6) incoming freshmen shall take their seats as the freshman CUSA Senators no later than the fifth week of the academic year through a general election of the freshman class. One (1) incoming Clarkson School student shall take a seat as The Clarkson School Representative no later than the fifth week of the academic year through a general election of The Clarkson School class.

(D) In the spring semester, CUSA Executive Board officers will be elected through a general election by the CUSA. These offices should inclusively consist of President, Vice President, Public Affairs Director, Comptroller, Treasurer and Secretary. Nominations for these positions shall take place no later than five (5) weeks before the start of the final exam week in the spring with elections taking place the following week. These elections will be held concurrently with the Class Officer elections and shall take place as per these Elections By-Laws.

(E) In the spring semester, Class Officers will be elected based on cohort year through a general election by their respective classes. These offices should inclusively consist of President, Vice President, Treasurer and Secretary. These elections shall take place no later than five (5) weeks before the start of the final exam week in the spring with elections taking place in the following week. These elections will be held concurrently with the CUSA Executive Board elections and shall take place as per these Elections By-Laws. The Vice President elected for the upcoming Sophomore, Junior and Senior classes will also serve on the CUSA as a representative for their respective classes. In the event

that the Vice President is unable to serve, one of the other representatives for that class year will be chosen.

(F) In the spring semester, five (5) juniors shall be elected by junior students in a general election to serve as senior CUSA Senators the following year, according to cohort year. Five (5) sophomores shall be elected by sophomore students in a general election to serve as junior CUSA Senators the following year, according to cohort year. Five (5) freshmen shall be elected by freshmen students in a general election to serve as sophomore senators the following year, according cohort year. The nomination of these individuals shall be closed no later than four (4) weeks before the beginning of final exam week with elections taking place the following week. All newly elected CUSA Senators shall take their seats and begin their term of office following the second to last meeting of the CUSA Senate of the spring semester. These elections will take place as per these Elections By-Laws.

(G) One graduate student representative will be appointed by the Graduate Student Association to serve on the Senate and will have no voting privileges on any matters.

(H) Class designation shall be determined by Cohort year with the exception of a Clarkson School student who shall be designated as a student currently enrolled in the Clarkson School.

Section 6 – Nominating Procedure

A) The petition mentioned here is the Nominating Form from the Election Candidate Packet. This packet must be made available for a minimum of one (1) week prior to the close of nominations.

B) A nominating petition must specify the name and student number of those persons signing the petition, as well as the name, student number, class and office of interest of the nominee.

C) A nomination for the position of CUSA Senator or Class Officers shall be made by a petition having at least fifty (50) valid signatures of members of his/her class. A nomination for the position of Clarkson School Representative shall be made by a petition having at least twenty-five (25) valid signatures of members of The Clarkson School. A candidate wishing to run for both a Class Officer Position and a Senator Position need only submit one petition as long as both offices are explicitly stated. A nomination for any CUSA Executive Office shall be made by a petition having at least one hundred (100) valid signatures of any members of the CUSA.

D) Upon returning nominating petitions, all candidates must signify in writing that they have read and will adhere to all parts of the Election Candidate Packet, the CUSA Constitution and the CUSA Election By-Laws as well as any publications issued by the E.P.C. Failure to do so will result in disqualification of the candidate.

E) At the close of nominations, the E.P.C. shall meet to review the submitted petitions for the purpose of formal recognition of candidates. Non-recognition is not considered disqualification. At this time the E.P.C. shall notify all persons who have submitted petitions of their status.

Section 7 - Campaigning

A) Campaigning is defined as an event designed to make a candidate known to his/her constituents.

B) Campaigning shall begin one (1) week before the close of nominations. The E.P.C. shall specify when campaigning may begin and is responsible to inform all candidates of this time in writing. Campaigning shall end when the polls close.

C) All candidates must keep a thorough, lucid and complete record, including receipts and bills, of all campaign expenses and submit this record to the E.P.C. within one (1) business day after the polls close if they wish to be reimbursed for campaign expenses. The E.P.C. shall contact all winning write-in candidates and shall allow them one (1) hour after that contact to submit an expense account.

D) A candidate's campaign expenses must be paid by the candidate and must not exceed the maximum allowed for the respective office. Candidates for an office of the CUSA Executive Board may spend a maximum amount of \$15.00 for campaign expenses. Candidates for Class Officer and/or CUSA Senator may spend a maximum amount of \$10.00 for campaign expenses. All candidates who are not disqualified by the CUSA Senate will be reimbursed for their actual expenditures if the maximum allowed for the respective office has not been exceeded after review by the E.P.C.

E) Expenses shall not be permitted for social events for the purpose of campaigning.

F) No elected officer of the CUSA Senate shall be forbidden from publicly endorsing any candidate or group of candidates. However, no elected officer of the CUSA Senate shall use the powers, duties and privileges of his/her office for the purpose of campaigning for any candidate including himself/herself.

G) Candidates and their campaign workers shall not in any way deface college property or violate any college regulations, or any local, state or federal law while campaigning. Candidates will be held responsible for the conduct of a campaign worker if there is sufficient evidence to cause the E. C. to believe that the candidate was aware of the campaign worker's actions or intent prior to or during the committing of the violation.

H) No campaign material is to be attached to trees or placed or written in classrooms. No campaign material shall be placed on any painted surfaces or on any windows. Campaign material may not be placed on any surface in such a way to damage college property. Campaign material is permitted to be placed on cafeteria tables. All campaign material shall be removed within twenty-four (24) hours after the close of polls. Any missing campaign material must be reported to the E.P.C. within that twenty-four (24) hour period. Candidates failing to remove all campaign material within twenty-four (24) hours will not be reimbursed for their campaign and may result in disqualification.

- I) Candidates running as a group or slate shall keep individual expense accounts.
- J) Audio equipment may not be used while classes are in session.
- K) No one shall actively campaign in sight of a polling place during a paper-ballot election. The E.P.C. shall mark an area near each polling place within which no campaigning may take place; this includes campaigning within fifty (50) feet of a polling location. All campaigning material must be removed from these areas before elections take place to ensure that there is no additional influence.
- L) All other details concerning campaigning shall be determined by the E.P.C. as deemed necessary.

Section 8 - Web ballots

- A) The order of names on the ballot shall be determined by the order in which petitions are turned in.
- B) The candidate's name must include his/her legal first and surname but can include an appropriate nickname of his/her own choosing.
- C) A concise summary of the voting rules shall appear on the ballots of all elections.
- D) Space must be provided on all ballots for write-in candidates in all regular elections.

Section 9 - Voting Procedures

- A) Voting shall be by secret ballot and supervised by election officials appointed by the Chairman of the E.P.C.
- B) In CUSA Senatorial elections, the voter may cast a maximum number of votes equal to the number of CUSA Senate positions available in his/her class with no more than one (1) vote per candidate.
- C) An eligible voter shall receive a ballot only after he/she has successfully logged into PeopleSoft.
- D) If there is any suspect of votes being tainted by hacking or any related procedure, all votes shall be null and cast out. The Office of Information Technology shall be notified of the incident and upon their guarantee of PeopleSoft being secured; a new vote shall take place with an announcement email being sent out to the student body notifying them of the incident and new voting time and date. This email must be sent at least a week prior to the new vote.

Section 10 - Counting Procedure

A) All ballots will be counted electronically by PeopleSoft. The count shall be reviewed by the E.P.C. and upon approval will be presented to the CUSA Senate.

Section 11 - Rules of Conduct

A) No person shall destroy, deface, or alter any official notice posted by the E.P.C.

B) No person shall complete more than one ballot in any election.

C) No person shall interfere with the orderly conduct of any election by any disturbance, loitering or interference with an election official.

D) The Chairman of the E.P.C. shall have authority to enforce the provisions of these Rules of Conduct.

Section 12 - Disqualification of Candidates

A) Any candidate who fails to meet all the qualification for office as stated in the Constitution, By-Laws and Clarkson's Student Code of Conduct will be recommended to the CUSA Senate for consideration for disqualification.

B) Violations by a candidate or a campaign worker of the Election By-Laws or the rules established by the E.P.C. may result in the candidate's disqualification. The E.P.C. shall have the power to investigate any instances of the above violations of which it becomes aware. However, the E.P.C. shall be held responsible for investigating only the written complaints of violations which are received during the elections and up to the immediate Friday after the close of the polls.

C) The E.P.C. shall, during the course of its investigation, provide the candidate of concern with a list of the alleged violations by the following Monday at 9:00 a.m., before the candidate is recommended to the CUSA Senate for disqualification. The candidate will have the option to meet with the E.P.C. to discuss the alleged violations within those four (4) days.

D) The E.P.C. may recommend disqualification by a majority vote. A recommendation for disqualification will be presented, in a separate motion, to the CUSA Senate by the E.P.C.

E) Disqualification will render the offender ineligible to hold or be a candidate for election or appointive positions in the CUSA Senate for a period of three (3) months.

F) In a regular election, if the candidate in question is running for a CUSA Executive Board or Class Officer position, the candidate involved has won and the decision is for disqualification of the candidate, the election is invalid and a reelection will be held.

G) If the candidate in question is running for a CUSA Senate position, the candidate involved has won a position and the decision is for disqualification of the candidate, the remaining

candidate with at least twenty-five (25) votes will fill the unoccupied position. This will include write-in candidates.

H) Should a particular CUSA Senate seat become vacant due to: a disqualification or resignation and then remain vacant; or due to a lack of candidates running for that class in the regular election, then there will be an special election held in the Fall Semester in accordance with Section 18 of these By-Laws.

I) If the decision is against disqualification of a candidate, then a new election will be held only if the CUSA Senate does not accept the results. Only after the recommendation for disqualification has been voted on by the CUSA Senate may the E.P.C. results be presented to the CUSA Senate.

Section 13 - Run-Off Elections

A) A run-off election will be held in the event that:

- 1) There is a tie between the two top candidates.
- 2) No candidate for a Class Officer or CUSA Executive Board Officer obtains forty (40) per cent of the votes cast.

B) Run-off elections are to be treated as any regular election. Therefore, all previously stated By-Laws apply to run-offs, with the exception of those areas covered in this section.

C) Candidates for run-off elections may spend a maximum amount of \$10.00 for campaign expenses.

D) The E.P.C. shall specify when campaigning may begin and is responsible to inform all candidates of this time in writing.

E) Ballot positions will be determined from the order used in the general election.

F) Votes with write-in candidates will be declared invalid.

G) In the event that the winner of an election for a Class Officer or CUSA Executive Board Officer is disqualified, the run-off will be held between the first and second runners-up from the regular election.

Section 14 – Reversion to Paper Ballots

In the case of a PeopleSoft malfunction and the subsequent decision of the Chairman and the CUSA Executive Board to revert to a paper ballot election, the following provisions shall take effect:

A) The Chairman of the E.P.C. or his/her designee as the web ballot maker shall be responsible for the printing of the ballots and their security until the election.

B) Voting shall be by secret ballot and supervised by election officials appointed by the Chairman of the E.P.C.

C) While working at a polling place, election officials may not, in any way, discuss the candidates.

D) Voting Rules:

- 1) The mark must be placed clearly within the space provided on the ballot. Any doubt by the E.P.C. as to the intent of the voter will render the ballot invalid.
- 2) A vote is automatically disqualified if the mark shows any sign of having been erased, scratched out, or in any way having been altered.
- 3) A ballot is automatically invalid in which more votes are cast than is specifically allowed.
- 4) Write-in or sticker votes will be counted only if the candidate's name is clearly written in or fastened to the ballot according to the rules stated above. Any ambiguous names (nicknames) will be automatically disregarded.

E) Sealed ballot boxes shall be used in all elections and under no circumstances shall there be any ballots counted or otherwise looked at until the polls have closed.

F) If a ballot is mismarked according to the voting rules, the ballot must be presented to the appropriate election official who must void it and issue another ballot. Otherwise, the vote may be declared invalid.

G) The election officials shall open and close the polling places at the designated times and supervise the voting procedure. They shall set up the election area and make sure that all candidates are instructed to remove campaign materials.

H) During regular elections, absentee ballots shall be made available to students with extenuating travel circumstances, health problems, religious conflicts, or their reasons justifiable to the Chairman of the E.P.C. Requests for absentee ballots shall be honored if a written petition to that effect along with the reasons for the request is presented to the Chairman of the E.P.C. no later than five (5) days before the election at 4:00 p.m. The Chairman shall certify his/her signature on all ballots to be used in such cases, shall see to their appropriate distribution in sealed envelopes, and shall check off the voter's name on an official college registration list. Such ballots must be returned to the Chairman or an election official before the polls close in order to be valid. The provisions of this clause shall be made public at least two (2) weeks before each regular election.

I) All ballots will be counted under the sanction of the E.P.C. The count shall then be reviewed by the E.P.C. and upon approval will be presented to the CUSA Senate. The E.P.C. shall have

full and final say in the counting of ballots. No candidate may be present during the counting of ballots but he or she may have one (1) representative present. Only members of the E.P.C. and election officials may participate in actually counting the ballots.

J) Completing the count:

- 1) Upon completion of the numerical count, the following candidate(s) shall be considered elected (except notes elsewhere) subject to the approval of the CUSA Senate or a request for a recount:
 - a) The five (5) elected candidates for CUSA Senator of each cohort year receiving the greatest popular vote; and one (1) Clarkson School Representative receiving the greatest vote;
 - b) In the event that one or more positions for CUSA Senator remains unfilled as a result of part (a), those write-in candidates for CUSA Senator with the greatest popular vote and at least twenty-five (25) votes;
 - c) Those candidates for Class Officer or the CUSA Executive Board Officer with the greatest popular vote and at least 40 percent of the votes cast.
- 2) The Chairman of the E.P.C. shall then place all ballots under lock and key until the CUSA Senate has taken final action on the election. The ballots may only be brought out in the necessity of a recount and upon completion of the recount, must once more be placed under the Chairman's security until final action of the CUSA Senate.
- 3) The Chairman of the E.P.C. will be responsible for announcing the results of each election within two (2) hours after the numerical tabulation is completed, unless he/she deems it necessary to investigate any aspect of said election. In such cases, he/she shall announce the results with two (2) hours after completing the investigation and making a decision. The Chairman shall make every effort to inform the candidates involved of the election results before making results of the election known to the Public Affairs Director for release to campus media, and at his/her discretion the general public.
- 4) Upon completion of the above procedures, the count is considered complete.

K) Recount:

- 1) A recount shall be held at the written request of any candidate after the completion of the count by the Friday following the closing of the polls at 4:00 p.m.
- 2) No candidate may be present during a recount but he or she may be represented by one (1) witness.
- 3) The results of a recount shall be considered final subject to approval by the CUSA Senate.

L) Other Paper Ballot Provisions

The Chairman may use his/her discretion for all paper ballot issues not addressed in this document.

Section 15 - Referendum and Recall

Unless otherwise noted in the Constitution and By-Laws, referendums and recall elections shall be conducted in the same manner as regular elections.

Section 16 - CUSA Senate Approval

A) The Chairman of the E.P.C. must present the report of the election to the CUSA Senate at its next regularly scheduled meeting following the count of the ballots. If a recount or protest investigation is in process, no action will be taken at that time by the CUSA Senate on the protested elections. The Chairman will then report at the following meeting at which time the CUSA Senate will vote on accepting the report.

B) If the CUSA Senate accepts the report, the election will be considered complete, and the ballots and nominating petitions will be destroyed.

C) If the CUSA Senate rejects the report, the election will have to be held again and the CUSA Senate may make such directives to the E.P.C. as it sees fit in order to insure an efficient, equitable and convenient election. However, such directives must be in accordance with the Constitution and By-Laws.

Section 17 - Amendments

Any amendments to these Election By-Laws must be approved by the CUSA Senate at least four (4) weeks before any regular CUSA Senate election.

Section 18 – Filling Vacant Spots

A) In the event that any Senator spot is not filled in the Spring Semester, the E.P.C. shall conduct interviews in the Fall, no later than the third week of the academic year to select students to fill the positions.

1) Separate interviews will take place for each cohort year and the panel of interviewers shall consist of members of the E.P.C. and any Senators elected in the Spring from that cohort year.

2) The members of the E.P.C. are only there for advisory purposes. Senators from the designated cohort year will have sole voting power.

B) In the occurrence that any Senator position becomes available in the Spring Semester due to co-ops, study abroad or other reasons, the E.P.C. shall conduct interviews to fill those vacant spots.

- 1) Separate interviews will take place for each cohort year and the panel of interviewers shall consist of members of the E.P.C. and all Senators currently serving from that cohort year.

- 2) The members of the E.P.C. are only there for advisory purposes. Senators from the designated cohort year will have sole voting power.

C) In the event that any E-Board position becomes available in the Fall or Spring Semester due to extenuating circumstances, the E.P.C. shall conduct interviews to replace the vacant position within two weeks of the semester.

- 1) Separate interviews will take place for each position and the panel of interviewers shall consist of members of the E.P.C. and the E-Board inclusive of the current E-Board member that is vacating the spot, if available.

- 2) Members of the E-Board are only present for input. E.P.C. along with said E-Board member, if available, will appoint a Senator to the position.

D) In the event of a Class Officer vacancy in either the Fall or Spring Semester, the E.P.C. shall conduct interviews to fill those vacant spots.

- 1) Separate interviews will take place for each cohort year and the panel of interviewers shall consist of members of the E.P.C., the current Class Officers and all Senators currently serving from that cohort year.

- 2) The members of the E.P.C. are only there for advisory purposes. Senators and current Class Officers from the designated cohort year will have sole voting power.