

THE UNIVERSITY OF OKLAHOMA STUDENT ASSOCIATION

UNDERGRADUATE STUDENT CONGRESS
CONGRESSIONAL SESSION LXXVIX

CONGRESSIONAL BILL NO. 780310

SENATE BILL NO. GF07-34

AS INTRODUCED

An act revising Title VII of the UOSACA;
providing a short title; and providing an
effective date.

BE IT ENACTED BY THE UNIVERSITY OF OKLAHOMA STUDENT
ASSOCIATION:

SECTION 1. This act shall be known as the “Gress-Biddle Election Reform”
Act of 2007.

SECTION 2. For the purpose of this legislation, all new text added to the
current Title VII of the UOSACA is indicated in *italics* and all text removed is
indicated by ~~strike through~~.

SECTION 3. REPEALER. Title VII of the UOSACA and all acts of the
legislature regarding elections are hereby repealed.

SECTION 4. AMENDATORY. Title VII of the UOSACA is hereby amended
to read as follows:

**Title VII, Chapter 1
Elections, General Provisions**

Section

- 1. Definitions**
- 2. Applicability of Election Rules**
- 3. Purpose of Election Rules**
- 4. Spring General Election**
- 5. Fall General Election**
- 6. Vacancies**
 - a. Election to Fill Vacancy**
 - b. Appointment to Fill Vacancy**
- 7. Uncontested Positions**
- ~~**8. Administrative Violations of Election Rules**~~

Section

1. Definitions

Academic week – Any week (Sunday through Sunday) during which the University holds classes for at least one day.

Campaign Spending – *The retail value of any obligations incurred; the retail value of any goods and services donated and any actual funds expended to promote or oppose the election of any individual to any UOSA office. This definition shall include the value of any discounts not available to the general public and the retail value of any donated professional services (such as printing, graphic design, entertainment, and advertising). It shall not include any fines assessed under this Code or the value of donated non-professional services (services performed entirely by University of Oklahoma students).*

Candidate – A person qualified to be placed on the ballot for an election. For the purposes of campaign rules, this Title, and the Election Procedures Act, “candidate” includes helpers, volunteers, workers or any other person expressly or impliedly acting on behalf of a candidate.

Day – *One day shall be defined as one business day, unless otherwise noted.*

Designated Agent – A person chosen and registered by a candidate with the ability to represent the candidate *in any official capacity. to the Election Staff or in Superior Court hearings and to file and answer complaints on the candidate's behalf.*

Election Fraud – Any act or omission completed or attempted with the intent to deprive a candidate or voter of his/ or her rights.

Invalidation – ~~The nullification of an election due to material logistical problems (including but not limited to polling hours, poll operator misconduct, ballot availability) and/or pervasive candidate misconduct.~~

Polling Place and Polling Location – Any physical location established by an Act of Legislation and officially run by the UOSA Election Staff *or their designee* at which polling shall take place. ~~When referred to in the context of materials posted by the UOSA, this definition shall include the website at which polling is conducted.~~

Spending Value – Values used in spending calculations and disclosures to reflect the fair cost of donated materials. The values assigned by the candidate are subject to investigation and may be altered ~~before being assessed~~ by the Election Board.

UOSA Presidential Race – The UOSA Presidential race includes candidates for UOSA President and UOSA Vice President running together as one ticket.

Validation – ~~The upholding of election results due to an absence of material logistical problems (including but not limited to polling hours, poll operator misconduct, ballot availability) and/or pervasive candidate misconduct.~~

Written Notification – *In all cases where written notification is required, electronic mail shall be considered written notification after the authenticity of the sender is verified.*

Publicly Posted – *Conspicuously posted in the UOSA Office*

The Election Procedures Act; Congressional Bill No. 700304 and Senate Bill No. GS03-3, Sec. 15

2. Applicability of Election Rules

The policies, regulations, and stipulations in this Title ~~and the Election Procedures Act~~ shall be applicable only to candidates for positions that are elected in a UOSA sanctioned election. All other campus organizations and bodies wishing to conduct an election may individually establish procedures for that election. *The Election Procedures Act; Congressional Bill No. 700304 and Senate Bill No. GS03-3, Sec. 4*

3. Purpose of Election Rules

The provisions governing elections are intended to provide for the fairness, equitability, and efficiency of all UOSA elections with respect to both candidates and voters. In the absence of established guidelines, rulings concerning elections should be made with this principle in mind. *The Election Procedures Act; Congressional Bill No. 700304 and Senate Bill No. GS03-3, Sec. 2.*

4. Spring General Election

The following shall be elected in the Spring General Election:

- a) the UOSA President and Vice President,
- b) the Campus Activities Council (CAC) Chair,
- c) Undergraduate Student Congress Representative Seats,
- d) the National Pan-Hellenic Council (NPHC) President;
- e) the Housing Center Student Association (HCSA) President,
- f) the Commuter Student Association (CSA) President,
- g) the Student Bar Association (SBA) President, and
- h) *the Latino Greek Council (LGC) President*

The Election Procedures Act; Congressional Bill No. 700304 and Senate Bill No. GS03-3, Sec. 5.2.

5. Fall General Election

The following shall be elected in the Fall General Election:

- a) Undergraduate Student Congress Representative Seats,
- b) the Interfraternity Council (IFC) President,
- c) the Panhellenic Association President (PAN), and
- d) ~~the Latino-Greek Council (LGC) President~~

The Election Procedures Act; Congressional Bill No. 700304 and Senate Bill No. GS03-3, Sec. 5.3.

6. Vacancies

The UOSA President shall be notified in writing of any vacancy that occurs in the positions listed in sections 4 and 5, above. If the UOSA President resigns, he or she shall notify the Chairs of both Houses of the Legislative Branch. ~~The opening of seats to Undergraduate Student Congress ends at the beginning of the filing period. The number of seats available for election shall not change after the filing period begins.~~ *The Election Procedures Act; Congressional Bill No. 700304 and Senate Bill No. GS03-3, Sec. 5.4; General Counsel Opinion, OP-2001-001.*

a. Election to Fill Vacancy

Any vacancy in the positions listed in sections 4 and 5, above, other than UOSA President and Vice President that occurs before the first day of filing shall be filled in *and* made open for election in the next possible general election. *The Election Procedures Act; Congressional Bill No. 700304 and Senate Bill No. GS03-3, Sec. 5.4.*

b. Appointment to Fill Vacancy

For each position listed in sections 4 and 5 above, other than UOSA President, Vice President, CAC Chair, and Representative, the organization of which said officer is a member shall include in said organizations own rules a method of filling a vacancy in said officer position. In the event of a vacancy in such a position, the ~~UOSA~~ UOSA President shall fill the vacancy by appointing, with and through the advice and consent of the Legislature, the member selected according to that organization's rules. Said position shall be made open for election in the next possible general election, and if said election is not at the time specified in sections 4 and 5, above, the position shall again be made open for election at said specified time. *The Election Procedures Act; Congressional Bill No. 700304 and Senate Bill No. GS03-3, Sec. 5.4; amended by An Act Amending the UOSACA to Allow Student Organizations to Select Chief Officers 2004, Senate Bill GF04-17; General Counsel Opinion, OP-2001-001.*

7. Uncontested Positions

In the event that the number of candidates for a position is less than or equal to the number of vacancies for that position, those candidate(s) shall be accepted de facto. No ballot shall be printed for uncontested positions. A

list of candidates accepted de facto for a position shall be posted at all polling places. *The Election Procedures Act; Congressional Bill No. 700304 and Senate Bill No. GS03-3, Sec. 5.5.*

8. ~~Administrative Violations of Election Rules~~

~~When gross error is committed in the administration of an election, consideration should be given to the avoidance of the appearance of unfairness or impropriety in the election process and elections should be invalidated and properly re-administered. *Kendrick v. Election Commission, SC-1998-002*~~

Title VII, Chapter 2
Elections, Election Rules

Section

- ~~9. Applicability of Election Rules~~
- ~~10. 8. Electorate~~
- ~~11. 9. Election Dates~~
 - a. Fall General Election
 - b. Spring General Election
 - c. Special Election
 - d. *Elections for Referendums and Initiatives*
- ~~10. Time Requirements~~
- ~~13. 11. Election Staff~~
 - a. Election Chair
 - i. Responsibilities
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- ~~14. 12. Election Funding~~
 - a. Source of Election Funding
 - b. Compensation
- ~~15. 13. Polling~~
- ~~16. 14. Voter's Rights~~
- ~~17. Runoff~~

Section

~~9.~~ **Applicability of Election Rules**

~~The policies, regulations, and stipulations in this Title and the Election Procedures Act shall be applicable only to candidates for positions that are elected in a UOSA sanctioned election. All other campus organizations and bodies wishing to conduct an election may individually establish procedures for that election. *The Election Procedures Act; Congressional Bill No. 700304 and Senate Bill No. GS03-3, Sec. 4.*~~

~~10.~~ **8. Electorate**

~~The electorate of the UOSA Presidential race shall consist of all members of the UOSA. The electorate for CAC Chair shall consist of all members of the UOSA. Subject to any applicable provisions of the UOSA Constitution, the Legislative Branch shall establish the electorate for all other races in General and/or Special Elections. *In the absence of any guidance from the Legislative Branch, the Election Board may adopt any rules established by the affected organization to determine the electorate for a specific race. The Election Procedures Act; Congressional Bill No. 700304 and Senate Bill No. GS03-3, Sec. 5.1.*~~

~~11.~~ **9. Election Dates**

a. Fall General Election

~~The Fall General Election shall be held the Tuesday and Wednesday of the twelfth academic week of the fall semester, unless the Legislative Branch changes the date by an Act of the Legislative Branch at least three (3) weeks before the week of the date proposed by the legislation. *The Election Procedures Act; Congressional Bill No. 700304 and Senate Bill No. GS03-3, Sec. 6.*~~

b. Spring General Election

~~The Spring General Election shall be held the Tuesday and Wednesday of the second academic week following spring break, unless the Legislative Branch changes the date by an act of the Legislative Branch at least three (3) weeks before the week of the date proposed by the legislation. *The Election Procedures Act; Congressional Bill No. 700304 and Senate Bill No. GS03-3, Sec. 6.*~~

c. Special Election

~~Dates for Special Elections shall be established by an act of the Legislative Branch at least three (3) academic weeks before the week of the date proposed by the legislation. *The Election Procedures Act; Congressional Bill No. 700304 and Senate Bill No. GS03-3, Sec. 6.*~~

d. Elections for Referendums and Initiatives

~~*Dates for elections concerning referendums shall be established by the Legislative Branch within three (3) weeks of passage of said referendums by the Legislative Branch. Dates for elections concerning initiatives shall be established by the Legislative Branch within three (3) weeks after said initiatives have been submitted to the UOSA office.*~~

10. Time Requirements

Any deadline within this Title is implicitly suspended by an act or a joint resolution by a 2/3 vote of each House of the Legislative Branch.

~~13-~~ **11. Election Staff**

~~The Election Staff shall consist of the Election Chair, the Election Board, and Poll Operators. No member of the election staff shall commit election fraud. Evidence of fraud shall be presented to the Superior Court, *as provided for in this title.* Any member of the Election Staff may be removed by recommendation from the UOSA President or Election Chair ~~and a vote with the advice and consent~~ of the Legislative Branch. No member of the Election Staff shall be a candidate in any election for which they are appointed to work. All members of the Election Staff shall be UOSA members and serve for a~~

term of one semester unless otherwise allowed in this Title or the Election Procedures Act. ~~The Election Procedures Act; Congressional Bill No. 700304 and Senate Bill No. GS03-3, Sec. 7.1.~~

a) **Election Chair**

The Election Chair shall be appointed by the UOSA President with the approval *advice and consent* of the Legislative Branch. ~~The appointee must be submitted to the Legislative Branch for advice and consent at least three (3) one (1) academic weeks before election filing begins. The Election Procedures Act; Congressional Bill No. 700304 and Senate Bill No. GS03-3, Sec. 7.2.~~

i. **Responsibilities**

- a) The Election Chair shall be responsible for conducting the election and enforcing the election rules as established by this Title ~~and the Election Procedures Act.~~
- b) Consistent with this Title and the Election Procedures Act, the Election Chair may make such rules and procedures and take such action as he/she deems necessary to effect the provisions and intent of this Title ~~and the Election Procedures Act~~ and to ensure a fair election. Such rules and procedures shall be considered binding unless overturned on appeal.
- c) The Election Chair shall ~~ensure that~~ verify the academic districts ~~and/or eligibility requirements of all candidates are verified at least forty-eight (48) hours running in UOSA Congressional Elections prior to the election mandatory candidates meeting.~~
- d) The Election Chair shall post the locations of all polls before campaigning begins.
- e) The Election Chair shall make all initial rulings concerning election procedures publicly available in writing and/or on any official elections website.
- ~~f) The Election Chair shall inform Housing Center Coordinators, directors of University libraries, and the Union director of their respective rights to control campaigning in their areas as provided by this Title and the Election Procedures Act.~~
- g) The Election Chair shall assign by random drawing before campaigning begins chalking areas of equal size and visual impact to each UOSA Presidential race ticket and each CAC Chair candidate ~~at five (5) prominent locations on campus. Dale Hall East, the Oklahoma Memorial Union, Physical Sciences, the mall areas south of Ellison Hall, the North Oval, the north side of Couch Cafeteria and the west side of Sarkey's Energy Center.~~
- h) The Election Chair shall *publicly post* submit confirmed disclosed spending information for all UOSA Presidential candidates ~~and all CAC candidates to student media in time for publication~~ four (4) days prior to the election.
- i) The Election Chair shall make *all correspondence, applications, records, reports, and forms regarding all elections available for public inspection in the UOSA office.* ~~reasonable effort to make this information as public as possible.~~
- j) The Election Chair shall *make reasonable effort to distribute information regarding assessment of fines to affected candidates by electronic mail. notify each candidate in writing as soon as practicable of fines assigned to them.*
- k) *The Election Chair shall hold office hours to assist candidates prior to and during the election process. During the filing period and campaigning periods the Election Chair shall hold a minimum of three*

(3) office hours a week between the hours of 8 a.m. and 5 p.m. in the UOSA office. The office hours schedule shall be publicly posted by the Election Chair. The Election Procedures Act; Congressional Bill No. 700304 and Senate Bill No. GS03-3, Sec. 7.2.

ii. Appointing the Election Board

The Election Chair shall appoint the Election Board *with the advice and consent of the Legislative Branch. The Election Board may not consist of anyone currently holding an office within UOSA.* The Election Chair may designate any member of the Election Board to act on his/her behalf. ~~The Election Chair shall appoint Poll Operators with the consent of the Legislative Branch. The Election Chair may appoint additional Poll Operators if he/she believes voter turnout will require multiple operators. The Election Chair shall make a report to the Superior Court for their consideration in validating an election. The report shall include information about polling irregularities and a written, itemized list of fines assigned to each candidate. The Election Procedures Act; Congressional Bill No. 700304 and Senate Bill No. GS03-3, Sec. 7.2.~~

iii. Report

At the conclusion of each election, the Election Chair *shall make a report to the Superior Court for their consideration in validating an election. The report shall include information about polling irregularities and a written, itemized list of fines assigned to each candidate. This report must be submitted to the Superior Court within forty-eight (48) hours following the closing of the polls. The Election Chair shall also file a report of the results of the election to be kept in the UOSA executive offices. This report shall also be submitted to the UOSA President, the Undergraduate Student Congress, the Graduate Student Senate, and General Counsel and shall include:*

- a) The total number of votes cast for each candidate or ticket at each poll,
- b) The total number of consenting and dissenting votes in any referenda,
- c) Any written rulings issued by the Election Chair,
- d) The minutes of the Election ~~Commission Board and Superior Court~~ proceedings,
- e) Information about any election irregularities or problems, and
- f) Other appropriate information.

The Election Procedures Act; Congressional Bill No. 700304 and Senate Bill No. GS03-3, Sec. 7.2.

iv. Vacancy

If the position of Election Chair is not filled in accordance with the legislative advising and consenting process, the office of General Counsel shall fulfill all duties of the Election Chair until one is officially appointed. *General Counsel Opinion, OP-2004-002.*

b) Election Board

The Election Board shall consist of ~~three (3) to five (5)~~ *at least three (3)* UOSA members. The Election Chair shall be the chairperson of the Election Board and *vote only in case of a tie a voting member.* The membership of the Election Board shall be posted in a public place. The Election Board shall investigate the validity of spending disclosures, mark candidates' staked signs, and assist the Election Chair in executing election procedures, regulating campaigns, and enforcing election rules. *The Election Procedures Act; Congressional Bill No. 700304 and Senate Bill No. GS03-3, Sec. 7.3.*

ix. v. Campaign Spending

