

THE UNIVERSITY OF OKLAHOMA STUDENT ASSOCIATION

UNDERGRADUATE STUDENT CONGRESS

SESSION: LXXVII CBN: 770307

February 13, 2007

GRADUATE STUDENT SENATE

SBN: GF06-26

January 28, 2007

**Title:** AN ACT DISSOLVING THE ELECTION COMMISSION AND REALLOCATING ITS AUTHORITY TO THE SUPERIOR COURT

**Section 1:** This Act shall be known and may be cited as the Election Commission Dissolution Act, or the Election Reallocation Act.

**Section 2:** The purpose of this Act is to facilitate a smoother election process, particularly with regards to adjudication of election law and appeals from rulings of the Election Chair. This Act is intended to clear up several issues stemming from the existence of the Election Commission and the Ad-Hoc Commission, including conflicts-of-interest, separation of powers, and waste of administrative resources.

**Section 3:** For the purposes of this act, additions shall be denoted with *italics*, and deletions shall be noted with ~~strike through~~.

**Section 4:** Amendment: Strike mention of the Election Commission from each list of "High Offices," where applicable.

**Section 5:** Amendment: Strike mention of the Election Commissioners from Title 3, Chapter 1, §2: Members.

**Section 6:** Title 7, Chapter 1, §1, under subheading "Designated Agents" shall be amended to read as follows:

"A person chosen and registered by a candidate with the ability to represent the candidate to the Election Staff or in ~~Election Commission meetings~~ *Superior Court hearings* and to file and answer complaints on the candidate's behalf."

**Section 7:** Title 7, Chapter 2, §4.1 shall be amended to read as follows:

"Evidence of fraud shall be presented to the ~~Election Commission~~ *Superior Court*."

**Section 8:** Title 7, Chapter 2, §4.3(b) shall be amended to read as follows:

“The Election Chair shall make a report to the ~~Election Commission~~ *Superior Court* for their consideration in validating an election.

**Section 9:** Title 7, Chapter 2, §4.3(c) shall be amended to read as follows:

“This report shall also be submitted to the UOSA President and shall include. . .(4) the minutes of the ~~Election Commission proceedings~~ *Superior Court hearings concerning the election. . .*”

**Section 10:** Title 7, Chapter 2, §4.4(a) and Title 8, Chapter 3, §6.3(a) shall be amended to read as follows:

“Determination and confirmation of the accuracy of spending disclosure is the responsibility of the Election Board, subject to appeal to the ~~Election Commission~~ *Superior Court*.

**Section 11:** Title 7, Chapter 2, §§4.7, 4.7(a), 4.7(b), and 4.8 shall be stricken entirely.

**Section 12:** Title 7, Chapter 2, §5.2 shall be amended to read as follows:

“Following validation of the final results of each General Election or Special Election by the ~~Election Commission~~ *Superior Court. . .*”

**Section 13:** Title 7, Chapter 3, §5 shall be amended to read as follows:

“[Candidates may specify a designated agent] who shall have the ability to represent the candidate to the Election Staff or in ~~Election Commission meetings~~ *Superior Court hearings* and to file and answer complaints on the candidate’s behalf.”

**Section 14:** Title 7, Chapter 3, §6.4 shall be amended to read as follows:

“Violators [of general campaign rules] shall be prosecuted before the ~~Election Commission~~ *Superior Court.*”

**Section 15:** Title 7, Chapter 3, §7 shall be amended to read as follows:

“Fines assessed by the ~~Election Commission~~ uncontested by the candidate or upheld by the Superior Court shall be collected through the Bursar’s office.”

“Where the ~~commission~~ *Court* finds a candidate guilty of election fraud, or a candidate is assessed more than one hundred fifty dollars (\$150.00) in fines, or a candidate refuses to disclose campaign spending as required by this act, the ~~Commission~~ *Court* shall disqualify that candidate from his/her race. The ~~Election Commission~~ *Superior Court* may fine a candidate up to one hundred dollars (\$100.00) in addition to other fines for failing to remove campaign materials after an election as required by this act, but such fines shall not count toward disqualification. The ~~Election Commission~~ *Superior Court* may

fine any member of the election staff up to one hundred dollars (\$100.00) if he/she is found guilty of election fraud.”

**Section 16:** Title 7, Chapter 3, §8.1 shall be amended to read as follows:

“~~The Election Commission~~ *Superior Court* shall have original jurisdiction over all complaints regarding candidate disqualification or election validation. The ~~Election Commission~~ *Superior Court* shall have appellate jurisdiction over all rulings of the Election Chair and the spending values assessed by the Election Board.”

“~~The Superior Court shall have appellate jurisdiction over rulings made by the Election Commission on candidate disqualification or election validation.~~”

**Section 17:** Title 7, Chapter 3, §8.2 shall be amended to read as follows:

“All appeals must be submitted in writing. ~~Appeals to the Election Commission may be made during campaigning, but all appeals must be submitted no later than five (5) days following the election involved in the appeal. The Election Commission shall rule on the appeal within 24 hours of receipt of the appeal.~~”

“Appeals to the Superior Court shall be submitted according to the rules established by the Superior Court and shall be filed within five (5) days following the ruling that generated the appeal.”

**Section 18:** Title 11, Chapter 1, §4 shall be stricken entirely.

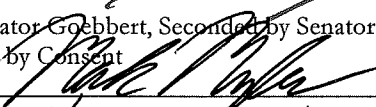
**Section 19:** This Act shall become effective upon passage in accordance with the UOSA Constitution.

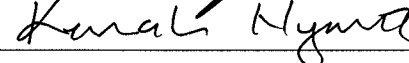
Author: UOSA Superior Court

Submitted on a motion by: Rep. Burris, Seconded by Rep. Welch  
Action taken by Student Congress: Passes 23-0-2

Verified by Chair of Student Congress:  Date: 5/2/07

Submitted on a motion by: Senator Goebbert, Seconded by Senator Ballinger  
Action taken by Senate: Passed by Consent

Verified by Chair of Senate:  Date: 5/2/07

Approved by UOSA President:  Date: 5/4/07

Approved by University President: \_\_\_\_\_ Date: \_\_\_\_\_