University of Colorado
Student Government

Election Code
Amended 3-13-2014
Amended 7-25-2014

I hereby affirm that this is a true and accurate representation of the CUSG Election Code that will govern the Spring 2014 CUSG election.
Wyatt Ryder, Election Commissioner

Chapter 1 - General Provisions

§ 101: Definitions

(a) All definitions herein shall be used throughout this code unless the result would be unreasonable.

(b) Definitions:

(1) Executive(s): The Executive(s) is the executive office prescribed under Article II of the CUSG Constitution. Two or more persons collectively seeking the Executive(s) in a manner provided for by Article II of the CUSG Constitution shall collectively constitute the Executive(s) as though they were one.

(2) Representative-at-large: A Representative-at-large is one and the same as a member of the Representative Council.

§ 102: Purpose

The purpose of this code is to provide for open, fair, and efficient CUSG elections.

§ 103: Amendment & Safe Harbor

(a) The election code may be amended at any time by a supermajority of twelve (12) members of the Legislative Council.

(b) The Election Commissioner shall only enforce those provisions of this code for a particular election that are operative at the time candidacy petitions are due.

(1) The Election Commissioner shall certify the election code that will govern the election with the following declaration: “I hereby affirm that this is a true and accurate representation of the CUSG Election Code that will govern the [Fall/Spring Year] CUSG election.” The declaration shall be signed by the Election Commissioner.

Chapter 2 - Election Commissioner

§ 201: Selection, Compensation, Removal

(a) The Executive(s) shall review applications and interview applicants for the Election Commissioner position. They shall appoint the most qualified candidate to the position.
(b) The Election Commissioner appointed by the Executive(s) shall go before the Representative Council for review. The Representative Council shall then review and nominate the appointed Election Commissioner and the Legislative Council shall ratify the Election Commissioner by a 2/3 majority of those present and voting.

(1) The Election Commissioner and his/her assistants shall function as a semi-autonomous Commission within the Executive Branch. The Commissioner shall report directly to the Executive(s), as well as to the Legislative Council upon request.

(c) The Election Commissioner shall be paid as a Student Assistant III. The Election Commissioner shall not be paid for any time expended before appointment by the Legislative Council.

(d) The Election Commissioner may be impeached and removed by a supermajority of twelve (12) members of the Legislative Council, or upon request by the Executive(s) subject to appeal by the Commissioner to Legislative Council.

(e) The Election Commissioner’s term shall end upon resignation of the Commissioner or upon expiration of the Executive(s) term, whichever shall come first.

§ 202: Duties & Responsibilities

(a) The Election Commissioner’s primary responsibility is to ensure an effective and fair CUSG election.
   (1) The Election Commissioner shall advertise to solicit qualified candidates for CUSG office.
   (2) The Election Commissioner shall promote the CUSG election to ensure the largest voter turnout reasonably possible.
   (3) The Election Commissioner is authorized to spend funds appropriated for the election in furtherance of the duties enumerated herein.

(b) The Election Commissioner shall perform all duties and tasks assigned by this Code and reasonably implied therefrom.

(c) In the event of a disruption to the voting process the Election Commissioner may provide for additional time for voting. The amount of additional time should be reasonably related to the length and nature of the disruption. All post-election timelines may be adjusted as reasonably necessary as long as the extension does not exceed the duration of the extension of voting.

(d) 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.
§ 203: Assistant Election Commissioners

(a) The Election Commissioner may nominate up to two Assistant Election Commissioners, who shall be appointed by 2/3, present and voting, of the Legislative Council.

(b) Assistant Election Commissioners shall be paid as a Student Assistant II. Assistant Election Commissioners shall not be paid until appointed by the Legislative Council.

(c) Assistant Election Commissioner(s) may be impeached and removed by a supermajority of twelve (12) members of the Legislative Council or terminated for cause by the Election Commissioner.

(d) Assistant Election Commissioners shall undertake any responsibility delegated by the Election Commissioner.

(e) The Assistant Election Commissioner’s term shall end once the Election Commissioner has dismissed them from duty, or once the term of the Executive(s) ends, whichever shall come first.

§ 204: Election Commission

The Election Commissioner and the Assistant Election Commissioner(s) collectively constitute the Election Commission. If no Assistant Election Commissioner(s) are appointed, the Election Commissioner and the Election Commission shall be one and the same.

§ 205: Elections Committee

The CUSG Legislative Council Elections Committee shall act as the Election Commissioner during any time in which there is no Election Commissioner. Only actions undertaken by or at the direction of a majority, present and voting, of the Elections Committee are binding.

Chapter 3 - Elections & Voting

§ 301: Eligibility

Any CUSG base fee paying member of the University of Colorado Student Union shall be entitled to vote.

§ 302: Election Schedule

(a) The fall elections shall begin at 8:00 a.m. on the Monday preceding the last Thursday of October and shall conclude at 8:00 p.m. on the last Thursday of October.
(b) The spring elections shall begin at 8:00 a.m. on the second Monday following spring break, as defined by the academic calendar, and shall conclude at 8:00 p.m. on the second Thursday of the same week.

(c) 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.

§ 303: Offices

(a) During the fall election five (5) Representative-at-large seats shall be elected.

(b) During the spring election four (4) Representative-at-large seats and the CUSG Executive(s) shall be elected.

(c) No candidate shall advocate for other tickets in the form of asking voters to vote for other tickets or through sharing financial resources.

(d) On each individual ticket no more candidates than the number of seats available for an election for each type of position shall be permitted to run.

§ 304: Voting

(a) CUSG elections shall be conducted through an online voting system that provides;

(1) A ballot that includes the candidate’s name as it appears on the petition for candidacy and, if provided, a political party affiliation. The ballot shall randomly present the candidates for a particular office.

(2) A means for an elector to vote for write-in candidates.

(3) A ballot that includes that full text of ballot measures and allows students to vote for or against ballot measures.

(4) A ballot that allows the voter to select any number of candidates for a position.

(b) The Election Commissioner shall arrange for the use of a compliant online voting system.

(c) If any eligible voter is unable to access the online voting system they may vote by paper ballot in the CUSG office, during regular business hours, throughout the election period. Before a student may vote by paper ballot the Election Commissioner or his/her designee shall verify that the person is an eligible elector and that the elector has not already cast a ballot in the election.

(1) All paper ballots shall remain secured in the CUSG office. All cast ballots shall be secured in a manner that ensures that only those who are eligible to vote by paper ballot will have their votes included.

(2) All cast paper ballots shall be retained until all certificates of election have been delivered.
Chapter 4 - Candidates for CUSG Office

§ 401:   Eligibility
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.

§ 402:   Petitions
(a) 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 election.

(b) Any student wishing to appear on the ballot shall apply for candidacy by submitting a petition with signatures from University of Colorado at Boulder students who are eligible to vote in CUSG elections. The petition shall indicate the candidate’s name, the office sought, and an optional declaration of a political party affiliation.

(1) The petition shall include the printed name, signature, and student identification number of each signatory.

(2) Applicants for candidacy for Representative-at-large shall submit a petition with valid signatures and student identification numbers from 75 registered CUSG fee-paying students.

(3) Applicants for candidacy for Executive shall submit a petition with valid signatures and student identification numbers from 150 registered CUSG fee-paying students.

(4) Each individual candidate shall be responsible for obtaining their signatures. Therefore, only one name shall appear on a petition and also include the office sought by the candidate. If declared, the petition may also include the name of the candidate’s ticket.

(c) All petitions must be submitted by 5:00pm on Monday four weeks prior to the beginning of the election.

(d) The Election Commissioner and/or the CUSG Office Manager shall verify the signatures on each petition.

(1) The signatures shall be verified by selecting a signature at random and verifying that signature and every tenth signature thereafter until 10% of the signatures have been reviewed.

(2) A signature shall be considered valid if the name matches the student identification number.
(3) Based upon this review a percentage of valid signatures shall be determined and applied to the total number of signatures. The resulting number shall be deemed to be valid signatures.

(4) Any applicant may appeal the determination of valid signatures on his or her petition. Upon appeal an unverified signature shall be selected and the verification process shall be repeated.

(e) Any applicant who is determined to have submitted a petition with the requisite number of valid signatures shall be declared a candidate and their name shall appear on the ballot for the office declared on the petition.

(f) A person cannot be a candidate for both the Executive(s) and a Representative-at-large nor may a person be eligible for election to more than one Representative-at-large seat.

§ 403: Write-in Candidates

(a) 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 four weeks prior to the election.

(1) Write-in candidates may only appear on the ballot if there are not enough § 402 (d) declared candidates running to fill all vacant seats in an election.

(2) Separate from the situation described in § 403 (a) (1), write-in candidates may be permitted to appear on the ballot under extreme circumstances at the discretion of the Election Commissioner.

(b) Only a candidate declared as a write-in candidate as provided in this section may be elected through the write-in process. The Election Commissioner shall count every write-in vote for a write-in candidate if the Election Commissioner is able to determine the elector’s intent to have their vote cast for a particular write-in candidate. A write-in vote for a candidate whose name appears on the ballot shall not be counted.

(c) The Election Commissioner may permit a write-in candidate to appear on advertisements paid for by CUSG or to attend any candidate events coordinated by the Election Commissioner. The Election Commissioner, however, may permit exclusion if he or she determines that doing so would undermine the efficiency and effectiveness of the advertisement or event. If the Election Commissioner opens an advertisement or event to one write-in candidate, he or she shall open the advertisement or event to all write-in candidates for the same office.
§ 404: Candidates Meeting

(a) All candidates shall attend a candidates meeting the Wednesday four weeks prior to the election.

(b) All candidates and write-in candidates shall review and agree to be bound by this code. A candidate shall not appear on the ballot until he or she has reviewed and agreed to comply with this code. A write-in candidate shall not be declared a write-in candidate unless he or she agrees to comply with this code.

(c) Candidates must assure they provide their name, as it is to appear on the ballot. Changes will not be permitted after the candidates meeting.

(d) All candidates running under the same party label/slate name shall sign a contract confirming party/slate membership, verified by the campaign manager.

(e) Election Commissioner must turn in campaign contract forms by the following day to the CUSG front office.

(f) Candidates should submit a candidate bio within a date set by an IT Tech and the Election Commissioner, after which, changes will not be accepted.

   (1) If a member of an Executive(s) ticket withdraws, any remaining candidates may continue the candidacy and no votes shall be invalidated.

§ 405: Candidate Debates

The Election Commissioner will facilitate at least one and preferably two candidate’s 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.

§ 406: Election to Office

(a) The candidate receiving the greatest number of votes for the office of the Executive(s) shall be elected.

(b) 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 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.

(c) 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 Executives(s), and CUSG office staff.

(d) In the event of 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.

§ 407: Withdrawal

(a) A candidate may withdraw from the election any time before Certificates of Election are issued, by submitting, in writing or by electronic mail, a declaration of their intent to withdraw to the Election Commissioner.

(b) Once a candidate issues their intent to withdraw he or she shall be removed from, or not placed on, the ballot and shall not be included in any advertisements or election events. Any votes cast for the withdrawn candidate shall be invalidated.

Chapter 5 - Ballot Measures

§ 501: Forms Permitted

The members of the CUSG have reserved to themselves the right to vote directly on amendments to the CUSG Constitution; matters referred to the students by the Legislative Council; and matters initiated by the students directly.

§ 502: Constitutional Amendments

(a) Constitutional Amendments may be placed on the ballot by the students directly or by the Legislative Council.

1) The Legislative Council may refer a Constitutional Amendment to the students by 2/3, present and voting, of the Legislative Council. At least two weeks must elapse between the first and second reading of proposed Constitutional Amendments. The proposed amendment(s) for spring election season are due to the CUSG Election Commissioner no later than 7 p.m. on the Friday prior to the week of Spring Break. The proposed amendment(s) for a fall election season are due no later than 7 p.m. on Friday of the week the candidates meeting falls on.

2) The students may initiate a Constitutional Amendment with the submission of a petition requesting the Constitutional Amendment be placed upon the ballot. The completed petition for the amendment must be delivered to the Election Commissioner no later than the Monday before the Mandatory Candidates and Referendum meeting.

(b) A Constitutional Amendment shall be declared adopted:
(1) If the Constitutional Amendment was referred to the students by the Legislative Council, received at least two thousand votes in favor of adoption, and was approved by a majority of those voting on adoption.

(2) If the Constitutional Amendment was initiated by student petition, was approved by a majority of those voting of adoption, received a number of votes in favor of adoption equal to or greater than 10% of those eligible to vote in the election.

§ 503: Referendum

(a) The Legislative Council may refer, by a majority present and voting, a bill or resolution to the students. For a spring election the Legislative Council must deliver their resolution or bill to the CUSG Election Commissioner no later than 7 p.m. on the Friday prior to the week of Spring Break. The proposed resolutions for a fall election season are due no later than 7 p.m. on Friday of the week the mandatory candidates meeting falls on.

(b) The bill or resolution shall be adopted by referendum if the bill or resolution is approved by a majority of the students voting on adoption of the Referendum. Bills or resolutions shall not be presented to the Executive(s) for their consideration.

(c) Adoption of a bill or resolution by referendum shall have the same effect as though the bill or resolution were adopted by the Legislative Council and presented to the Executive(s).

(d) Any referendum that would allocate or endorse allocation of student fee monies to a student group shall not bind the CUSG and shall be taken for advisory purposes only.

§ 504: Initiatives

(a) The students may petition to have a bill or resolution placed upon the ballot. The candidate petition must be completed and turned into the CUSG Election Commissioner no later than the Monday before the Mandatory Candidates and Referendum meeting.

(b) The bill or resolution shall be enacted by initiative if the bill or resolution is approved by a majority of the students voting on adoption of the initiative and the total votes cast in favor of adoption are equal to or greater than 10% of those eligible to vote in the election.

(c) Adoption of a bill or resolution by initiative shall have the same effect as though the bill or resolution were adopted by the Legislative Council and presented to the Executive(s).

(d) Any initiative that would allocate or endorse allocation of student fee monies to a student group shall not bind the CUSG and shall be taken for advisory purposes only.

(e) Upon submission of the proposed language to the Election Commissioner, the Election Commissioner shall immediately consult with University Legal Council on all student petition-initiated referenda. If the Election Commissioner determines that a referendum violates the United States or Colorado Constitution; federal, state, or Regent Law; the Institutional Fee Plan; Regent policy, University of Colorado Boulder campus policy or
other applicable University of Colorado policy, the Election Commissioner shall reject the referendum. The Election Commissioner shall issue a written decision on the referendum. Notice of the decision shall be given to the party proposing the referendum by transmitting the decision via electronic mail to the party’s University of Colorado email address. Notice is effective on the date of transmission. After a proposed referendum has been approved or rejected, the election commissioner shall then hold a referendum hearing with University Legal Council, the Appellate Court Chief Justice, and the petitioning party to discuss the intent of the referendum and any potential legality issues with the proposed referendum. If it has been determined that the proposed referendum has been accepted, the purpose of the hearing shall be to inform the petitioning party about the remainder of the referendum process, and their continued responsibilities through the process. If it has been determined that the proposed referendum has been rejected, the hearing shall provide an opportunity for the election commissioner to describe the appeals process, and assist the petitioning party in exploring avenues of advocacy that are not in violation of established law.

i) If the Election commissioner rejects a referendum, the party proposing the Referendum may appeal to the Appellate Court by filing a petition in accordance with Appellate Court Rule 13 within ten (10) calendar days of notice of the Election Commissioner’s decision.

   a. Any appeal shall be heard under the Appellate Format as set forth in Appellate Court rule 23.

   b. Review shall be limited to a determination of whether the Election Commissioner has abused his or her discretion.

§ 505: Petition Requirements

(a) A petition to place a Constitutional Amendment or Initiative question on the ballot shall have the signatures of 1000 students who are eligible to vote in CUSG elections.

(b) A petition to place a Constitutional Amendment or Initiative on the ballot shall set forth a title of the measure and the entire text of the proposed amendment or initiative and shall specify that the measure is a Constitutional Amendment or an Initiative.

(c) Multiple Amendments or Initiatives may be placed upon a single petition and each signature counted as a signature for each as long as the petition sets forth that a single signature constitutes a signature for each amendment or Initiative and each question is clearly identified as a separate question.

(d) Petitions to place a measure on the ballot shall be due at the same time as petitions for candidacy.

(e) Petitions for a ballot measure shall be validated in the same manner as petitions for candidacy.

§ 506: Ballot Requirements
(a) Constitutional Amendments shall be numbered from 1 on; initiatives shall be numbered from 101 on; referenda shall be lettered from A on.

(b) The ballot shall either provide the full text of the ballot measure or shall provide a manner in which voters may access the full text of the ballot measure while voting.

(c) A purpose statement shall be provided for all amendments, referenda and initiatives explaining the impact and reason for the ballot measure. This statement shall be due at the same time as petitions for candidacy.

(d) The official ballot should be announced two weeks prior to the election.

Chapter 6 - Election Offenses

§ 601: Defamation, Libel, & Slander

(a) Any candidate who engages in speech or publication that is 1) not protected by the Article II, Section 10 of the Colorado Constitution, and 2) would constitute defamation, discrimination, libel, or slander under Colorado law, is liable for an election violation and shall be issued 5 infractions per offense.

(1) For purposes of this section, the publication of multiple copies of a single publication shall constitute a single offense.

§ 602: Campaign Finance

(a) Any candidate who fails to submit a campaign finance report as required by §702(a) of this code shall be issued 10 infractions.

(b) Any candidate who spends greater than the amount prescribed in §701 of this code is liable for violating the campaign finance limits and shall be issued 10 infractions.

(c) 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.

§ 603: Destruction of Campaign Materials

(a) Any candidate who alters, defaces, destroys, or removes another candidate’s campaign materials is liable for destruction of campaign materials and shall be issued 1 infraction per offense.

(b) Any candidate may, without penalty, alter, deface, destroy, or remove any campaign materials that are placed on the candidate’s property, given or otherwise provided to the candidate, or if given permission by the owner or renter of property or the proctor of a campus building where materials have been placed.
§ 604: Recyclable Products

(a) Any candidate who publishes posters, flyers, or handbills on a material that is not capable of being recycled by the University is liable for an election offense and shall be issued 1 infraction. A candidate may receive a maximum of 4 infractions, per election, under this section.

(b) A single act of publishing is constituted by 1) the act of purchasing or receiving a material that is not capable of being recycled, 2) printing or copying posters, flyers, or handbills of a single design, regardless of quantity, and 3) distributing the posters, flyers, or handbills to the public.

(c) The CUSG Environmental Center Director or his or her designee shall review, upon request by a candidate, any material to determine whether it is recyclable by the University. Any candidate who is informed by the Environmental Center, correctly or not, that a material is capable of being recycled by the University shall not be held liable for an offense under this section.

§ 605: Campaigning in CUSG Offices or CUSG Meetings

(a) Any candidate who campaigns: in any CUSG office, in a Legislative Council meeting, in a meeting of any CUSG joint or advisory board meeting, is liable for 2 infractions per offense. Nothing in this section shall be construed to prohibit a candidate from campaigning in the public spaces of CUSG cost centers.

(b) Under this section campaigning is constituted by wearing apparel, stickers, or buttons; displaying or distributing posters or handbills; creating, preparing, or printing materials; sending electronic mail; creating or updating a website; or making telephone calls that advocate the election or defeat of a candidate.

§ 606: Bribery

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.

§ 607: Dorm-Storming

(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 an 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.

§ 608: Campaigning Around Alcohol

(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.

§ 609: Harassment

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.

§ 610: Electronic Voter Fraud

(a) 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.

§ 611: Candidate-Supporter Liability

(a) A candidate may be held liable for the conduct of another person if that person was acting at the direction of the candidate. A person is acting at the direction of a candidate if that person is performing some task at the direction of the candidate at the time of the offense regardless of whether the candidate specifically directed the person to commit the offense or not.

(b) A candidate shall be awarded the number of infractions for the offense committed vicariously upon proof that all elements of the offense were committed and that the candidate was vicariously liable under this section.

§ 612: Burden of Proof

(a) A candidate may not be held liable for an election offense unless every element of the offense is proven by clear and convincing evidence at a hearing as provided in section §803(b) of this code.

(b) Each offense must be proven against each individual candidate.

§ 613: Disqualification

(a) Any candidate that receives ten (10) or more infractions shall be disqualified from the election and shall have their votes vacated.

§ 614: Integration of Offenses

(a) This chapter constitutes a complete integration of all election offenses. A candidate shall not be held liable for any offense unless that offense is proscribed within this chapter.
Chapter 7 - Campaign Finance

§ 701: Campaign Expenditures

(a) A campaign expenditure is any money spent or the receipt of goods or services paid for on the candidate’s behalf for the purpose of electing a candidate to office. Campaign expenditures include the spending of money or the acceptance of goods or services the candidate received as a campaign contribution.

(1) A good is any item, product, or commodity that is provided for sale. A service is the provision of labor in exchange for compensation. The value of a good or service shall be determined as the lesser of the market value of a good or service or the actual amount paid for the good or service. A good that is provided to a candidate that, by virtue of its use by the candidate, does not diminish in value and is returned after the election is not a contribution.

(2) The provision of labor and expertise to a candidate shall not constitute a campaign contribution if the person, persons, or entities providing those services are not being compensated. If a person, persons, or entity is providing services as a discounted rate the difference between the normal and customary rate and the actual rate levied is not a campaign contribution. This includes, but is not limited to: volunteering to collect petition signatures; volunteering to “chalk,” hand out campaign materials or advocating for the election or defeat of a candidate; designing websites or campaign materials; providing advice to candidates.

(b) A candidate for Representative-at-large may not spend more than $200 in the furtherance of their campaign.

(c) 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.

(d) 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.

(e): 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.

§702: Campaign Contribution and Expenditure Report
(a) All candidates shall submit a candidate’s contribution and expenditure report by 5:00 p.m. the first Monday after voting ends.

(b) The report shall provide the candidate’s name, office sought, a ledger for campaign contributions, and a ledger for campaign expenditures.

(1) The campaign contributions ledger shall provide the names of all contributors, the amounts contributed or the value, as determined by §601(1)(b), of goods or services paid for on the candidate’s behalf, and the total amount of all contributions. If the total amount exceeds the amount permitted by §601(2) & (3) the ledger shall indicate the credit as required by §601(4).

(2) The campaign contributions ledger shall list all expenditures made, the vendor from which the items were purchased, and the amount of the expenditure. Any goods or services purchased on the candidate’s behalf shall be listed as though they were purchased by the candidate, with the value determined in accordance with §601(1)(b).

A) A receipt shall be submitted verifying the value of each expenditure. If a receipt is unavailable the candidate shall submit a signed declaration indicating the cost of the item, a description of the item, the date and location of purchase.

(3) Should a candidate or ticket not have any expenditures to report, they must submit a formal and signed statement declaring that they did not spend any money or receive contributions pursuant to §701(a). The declaration shall be constructed in the same form as an expenditure report save for expense listings, and is due at the same time and date as the expenditure reports.

(c) A candidate shall provide a certification that “This report is a true and accurate accounting of all contributions and expenditures made by me in the furtherance of my candidacy for CUSG office.”

(d) Two or more candidates may submit a consolidated report indicating all contributions and expenditures made for the candidates. Each candidate shall be identified, with itemized contributions and expenditures, and shall sign the declaration required in subsection (3) of this section. Candidates may file a joint report if all expenditures made were used for the benefit of all candidates included on the report. Nothing in this subsection shall permit two or more candidates to collectively receive or expend more than the aggregate amount of their individual limits.

Chapter 8 - Conclusion of Election

§ 801: Preliminary Election Results
At the conclusion of the election period the Election Commissioner shall end voting and tabulate the preliminary election results. The preliminary election results shall be posted on the CUSG office door and on the CUSG website as soon as they are available.

§ 802: Publication of Campaign Finance Reports

The Election Commissioner shall retain the original campaign contribution and expenditure report and shall prepare copies that shall be made available to the public by 8 am the Monday following the conclusion of the election.

§ 803: Election Offense Resolution

(a) 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.

(1) 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.

(2) The complaint shall set forth factual allegations, any evidence or witnesses that may be introduced to support those allegations, and shall set forth which election offenses have allegedly been committed.

(b) At 12 noon the Wednesday following the conclusion of the election, the Election Commission shall hold an administrative hearing to determine a candidate’s liability, if any, for election offenses. The Election Commission may elect to combine two or more complainants against a candidate(s) or to permit each complainant to proceed individually.

(1) The complainant(s) shall be provided an opportunity to present their case by calling witnesses and introducing evidence. The candidate(s) shall have an opportunity to cross-examine all complainant witnesses.

(2) The candidate(s) shall have an opportunity to present a rebuttal case by calling witnesses and introducing evidence. The complainant(s) shall have an opportunity to cross-examine all candidate witnesses.

(3) Both the complainant(s) and the candidate(s) may be represented by either a student representative or legal counsel.

(c) By 12 noon the Thursday following the conclusion of the election the Election Commission shall issue a written opinion with findings of facts, conclusions of law, and the assessment, if any, of election infractions. Pursuant to §608 any candidate that receives ten or more infractions shall be disqualified from election. Findings of fact,
conclusions of law, and the assessment of election infractions shall be made by a majority of the Election Commission.

(d) Once the Election Commission has issued its opinion either party or both parties may appeal the Election Commission’s decision to the CUSG Appellate Court. The parties to the appeal shall remain the complainant and the candidate(s).

(1) A party must appeal the decision of the Election Commission within 5 calendar days of the issuance of the Election Commission’s opinion. The appeal shall be filed by submitting a petition, in accordance with the rules of the CUSG Appellate Court, to every member of the CUSG Appellate Court. Copies of the appeal shall be served upon the CUSG Office Manager and the opposing party or parties. If no appeal is filed within 5 calendar days the Election Commissioner shall certify the election results.

(2) Once an appeal has been filed the Election Commissioner shall not certify the election results until the Appellate Court issues a final opinion, notifies the parties that the Court is not taking the appeal, or 14 calendar days elapse from the issuance of the Election Commission’s opinion. After 14 calendar days have elapsed the Appellate Court’s jurisdiction over the Election Commission is waived. The Appellate Court shall have no jurisdiction to enter any judgment or Temporary Restraining Order that would prohibit the Election Commissioner from certifying the election results in accordance with this subsection.

A) An Appellate Court opinion shall not be binding unless the opinion;

i) Is submitted in writing to the CUSG office, bears the signature of a majority of a duly constituted Court, and contains a record of the participating justices and the Court’s vote, or

ii) Is submitted electronically; is sent to the Election Commissioner, the CUSG Office Manager, the complainant(s), the candidate(s) involved, and the whole membership of the Court; and contains a record of the participating justices and the Court’s vote.

(3) When hearing an appeal from the decision of the Election Commissioner the Appellate Court shall review, without deference, all conclusions of law. The Appellate Court shall uphold the Election Commission’s findings of fact unless the findings are fraudulent, or arbitrary and capricious, or so grossly erroneous as to necessarily imply bad faith.

§ 804: Certification of Results

(a) 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.
(b) The election shall be certified by replacing the preliminary results with certified final results. The results shall indicate that they are the certified final results.

(c) The Election Commissioner shall prepare and deliver Certificates of Election to the Legislative Council President, indicating the name and electronic mail address of the elected officers.

(d) The newly elected officers shall be sworn in according to Article III.A.1.iii. of the Legislative Council Bylaws.

Chapter 9 - Local School & College Elections

§ 901: Local Control

School and college elections shall occur in a manner provided by the student government of each school and college.

§ 902: Use of CUSG Elections

(a) Each school and college may choose to conduct their elections through the CUSG online voting process.

(b) 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.

(c) Each school or college should submit full list of candidate names, positions, and seats available per position by the day of the candidate meeting.

(d) Unless otherwise provided for in the memorandum of understanding the Election Commissioner shall only provide each school or college with the election results. The Election Commissioner shall not enforce any local school or college election rules or hear complaints against local school and college candidates.

Chapter 10 - CUSG Cost Centers

§ 1001: Use of Resources

(a) No CUSG Cost Center may endorse, campaign for, or campaign against: any candidate; any write-in candidate; or any constitutional amendment, referenda, or initiative.
(b) No CUSG Cost Center may contribute any money, goods or services to any candidate or write-in candidate, for the purpose of supporting the election of that candidate, or to any group advocating for the passage or defeat of a constitutional amendment, referenda, or initiative.

(c) No employee of any CUSG Cost Center may use their title or status as an employee to endorse, campaign for, or campaign against: any candidate; any write-in candidate; or any constitutional amendment, referenda, or initiative.

(1) Subsection (c) of this section shall not apply to members of the Legislative Council or to Executive(s).

(2) Subsection (c) of section shall apply to all members of the CUSG Joint Boards, Advisory Boards, Commissions, or Committees.

§ 1002: Enforcement

Each cost center and joint or advisory board shall incorporate the provisions of this chapter into their policy or employment manuals.

Chapter 11 - Student Fees

§ 1101: Use of Student Fees

(a) No group, organization, or entity may use any student fees awarded from any instrumentality of the CUSG to advocate for the election or defeat of a candidate or the passage or defeat of a constitutional amendment, initiative, or referenda, nor may any student fees be contributed to any candidate.

(b) Any group, organization, or entity that receives any student fees in a fiscal year may not use any monies to advocate for the election or defeat of a candidate or the passage or defeat of a constitutional amendment, initiative, or referenda, nor may any monies be contributed to a candidate unless the monies are:

(1) Raised for the purpose of using the money for a political purpose;

(2) Not commingled in any accounts with student fees awarded from an instrumentality of the CUSG.

(c) No event may be paid for with student fees, awarded from any instrumentality of the CUSG, if that event is used to solicit donations for monies that are: used to advocate for the election or defeat of a candidate; the passage or defeat of a constitutional amendment, initiative, or referenda; to be contributed to a candidate.

(1) Nothing in subsection (c) should be construed to prohibit a group, organization, or any other entity from permitting candidates or those advocating for passage or defeat
of a constitutional amendment, initiative, or referenda to campaign at an event supported by student fees as long as that event is not being used to solicit monies as prohibited by subsection (c).

Chapter 12 - Tabling

§ 1201: Tabling Regulations

(a) In the interest of fairness, the Election Commissioner shall have the authority to set specific locations on campus in which candidates are permitted to table in compliance with Campus Use of University Facilities (CUUF) policies.

(b) In the interest of fairness, the Election Commissioner, the campaign manager of each ticket, and any independent candidates will meet and decide two weeks before the election on the number of tables allowed. If consensus is not reached, then it will fall under the authority of the Election Commissioner to make a final decision. If the number of tables needs to change after that meeting, they will all meet again to decide on a new number.

(c) If a candidate is found guilty of violating section 1201(a) or 1201(b) of the election code for the purposes of promoting his/her candidacy, they shall receive two (2) infraction points for each unique offense.