

THE PROCEDURAL ELECTION CODE OF THE IUSG ELECTION COMMISSION

Approved by;
IUSG Election Commission & IUSG Congress on 2/17/2020

TITLE I: Executor of this Procedural Election Code.

Section 101: Sole Executor.

Section 102: Changing the Procedural Election Code.

Section 103: Oversight of the Procedural Election Code.

Section 104: Availability of the Procedural Election Code.

Section 105: Conflict of Interest

Section 106: Failure of Duty

Section 107: Responsibilities of the IUSG Election Commission

Section 108: Election Timeline

Section 109: Campaign Timeline

TITLE II: Candidates.

Section 201: General Eligibility.

Section 202: Filing for Candidacy.

Section 203: Executive Ticket Petitions of Support.

Section 204: Congressional Seats.

Section 205: Academic Requirement.

Section 206: Candidacy for More Than One Office.

Section 207: Sexual Misconduct and Violent Offenders

Section 208: Recognition of Candidacy.

Section 209: Ticket Definitions

Section 210: Space Reservations

Section 211: Single Ticket Election

Section 212: Executive Ticket Campaign Staff

TITLE III: Voting.

Section 301: Voter Eligibility.

Section 302: Voting.

Section 303: Election Day Campaigning.

Section 304: Plurality Vote Required for Congressional and Executive Candidates.

Section 305: Voting Processes.

Section 306: Blinding of the Election Results.

TITLE IV: Campaign Spending.

Section 401: Campaign Expenditures Defined.

Section 402: Contributions for IUSG Elections.

Section 403: Financial Statements

Section 404: Executive Election Submissions of Intermediate Financial Statement to the Election Commission.

Section 405: Executive Submission of Final Financial Statement to the Election Commission.

Section 406: Congress Election Submission of Final Financial Statement to Election Commission

TITLE V: General Campaign Violations.

Section 501: Evidentiary Standards.

Section 502: Improper Use of Email.

Section 503: Improper Use of IUSG Office Space.

Section 504: Affirmative, Deliberate Act to Cause Another's Violation.

Section 505: Interference with Campaign Materials.

Section 506: Residence Hall Restrictions.

Section 507: Restricted Campaigning Areas.

Section 508: Violations of University Policies.

Section 509: Use of Animals While Tabling.

Section 510: Campaigning Outside of Designated Time Period.

TITLE VI: Campaign Violations Eligible for Disqualification.

Section 601: Voter Fraud.

Section 602: Excessive Campaign Contributions.

Section 603: Excessive Campaign Contributions.

Section 604: Candidate Honesty.

TITLE VII: Procedures for Disqualifications, Election Complaints, and Appellate Procedures.

Section 701: Selectivity of Disqualifications.

Section 702: Ineligibility after Disqualification.

Section 703: Advisory Opinions.

Section 704: Properly Filed Complaints and Reply Briefs to the Election Commission.

Section 705: Accepting or Rejecting a Complaint.

Section 706: Procedure for Complaints after Acceptance by the Election Commission.

Section 707: Violations & Point System

Section 708: Appeals of Election Commission Decisions

Section 709: Extraordinary Discoveries of Evidence After Submission

710: Election Certification Process.

TITLE I: Executor of this Procedural Election Code.

Section 101: Sole Executor.

The IUSG Election Commission shall be the sole executor of this Procedural Election Code.

Section 102: Changing the Procedural Election Code.

The Election Commission shall be the sole body able to change this Procedural Election Code.

Section 103: Oversight of the Procedural Election Code.

The IUSA Congress shall only make changes to the Procedural Election Code in the form of joint Election Commission-Congress proposals which are acceptable and signed by both the designated Congressional body or member and the IUSG Election Commission. Congress must respond and return a response proposal within ten (10) class days of receiving a proposed change from the Election Commission. Similarly, the Election Commission may only make changes to the Procedural Election Code through joint Election Commission-Congress proposals and the Election Commission must respond within ten (10) class days of any proposed changes sent from Congress.

Section 104: Availability of the Procedural Election Code.

The current Procedural Election Code must be publicly available during both the fall and spring elections..

Section 105: Conflict of Interest

A Conflict of Interest (COI) is a set of circumstances that creates a risk that professional judgment or actions regarding the prime directives of the Election Commission will be unduly influenced by a secondary interest. Every Election Commissioner will discuss with the Election Commission Chair possible COI situations once the application is completed by all candidates. If the Election Commission finds that any COI would unduly influence the judgement of that Commissioner, then the Commissioner would abstain from participating in Election Commission decisions about that candidate.

Section 106: Failure of Duty

It shall be designated as a failure of duty if any Commissioner works, speaks, or performs publicly or privately for or against any candidate or referendum. It shall also be a failure of duty if a Commissioner fails to perform the responsibilities stated in 107 or 108 or allows an unresolved COI situation to influence an Election Commission decision. The Election Commission can vote to remove that Commissioner from the Election Commission if a failure of duty is believed to have occurred.

Section 107: Responsibilities of the IUSG Election Commission

IUSG Congress will allocate appropriate funds to the Election Commission to accomplish the tasks set forth herein. The Election Commission shall:

- Organize, plan, and publicize all IUSG Elections and referendums as per the timeline in Section 108
- Actively seek to increase awareness of IUSG among the student body throughout the academic year and especially during election season;
- Aim to increase voter turnout;
- Publicly announce and promote all events stated in the election timeline;
- Act to enforce all rules and regulations contained within this Code;
- Act as the overseeing body of all referendum procedures;
- Issue public advisory opinions to any individual or body requesting interpretation of this Code;
- Verify that all executive candidates meet the requirements for candidacy
- Request from the IUSG Supreme Court certification of the IUSG Election Results;
- Hear all properly filed complaints according to the guidelines set forth in the Procedural Election Code;
- Take necessary measures to advertise both the Callout and election process in general

- Maintain and make publicly available a Procedural Election Code dictating Election Commission procedures and rules.
- Make publicly available records of the Election Commission, including but not limited to past advisory opinions, complaints, appeals, and rulings.
- Transmit unfilled Congressional seats to the Speak of Congress, IUSG Advisors, and the Executive Congressional Liaison following the legislative elections

Section 108: Election Timeline

Each of the following events must occur in each election cycle with the inclusion of additional events being at the discretion of the Election Commission.

- Call-Out. There shall be one campus-wide callout for the IUSG Election that will occur no later than four (4) weeks before the election. This call-out shall serve as a general introduction to the IUSG Election, including a timeline of events for the IUSG Election. It shall also give all who are interested in becoming candidates an opportunity to ask questions about the IUSG Election.
- Applications. Applications shall be made available to the Student Body no later than one (1) week after the call-out meeting and shall be due no later than two (2) weeks before the election. Candidates will also be required to provide proof of residency or proof of academic eligibility in accordance with Title II of the Election Code when submitting an application.
- All-Candidate Meeting. There shall be at least one all-candidate meeting and each registered ticket or candidate must have at least one (1) representative present at the all-candidate meeting. If a ticket does not have a representative present at the All-Candidate meeting or does not notify the Election Commission in advance the ticket will be disqualified.
- Debate & Town Hall. A debate and town hall shall occur during the campaign period. All groups of executive candidates shall be required to participate in both events. The Election Commission will have full discretion over the planning, rules, and procedures of both events.
- Withdrawal of Name from Ballot. Any candidates wishing to withdraw their name from the ballot must provide a written request for a withdrawal from the election to the Election Commission no later than one (1) week before the IUSG Election begins. If the Election Commission approves the request for withdrawal, the process to replace the candidate will begin. The ticket has one (1) business day to submit a replacement candidate and application form to the Election Commission. The Election Commission will rule on the eligibility of the candidate within one (1) business day. If the replacement candidate is ruled eligible, the Election Commission will notify all tickets of the change.
- Review of Ballot. Each candidate shall have the opportunity to review the official ballot no later than one (1) week prior to the beginning of the IUSG Election and shall bring any issues of accuracy to the Election Commission within two (2) days. Unless otherwise directed by the Election Commission, no other ballot review requests may be honored.
- Testing the Election System. The Election Commission shall verify that the online voting system works by testing the system at least twenty-four (24) hours in advance of the polls opening.
- IUSG Election. The IUSG Legislative Election shall be held in the fall semester and the IUSG Executive Election shall be held in the spring semester. The election shall be held on any two consecutive days at least two weeks after the first All-Candidate meeting. The Election Commission shall make public the election timeline dates.

Section 109: Campaign Timeline.

Campaigning by congressional candidates or executive tickets shall begin upon the due date of the application for candidacy and shall extend until 10:00 pm the second night of the elections. Voting must begin within 21 calendar days of the candidate application being due. Campaigning is defined as public-facing promotion of a particular candidate or ticket. Staffing and logistical support for campaigns may be done ahead of this time period.

TITLE II: Candidates.

Section 201: Candidate Eligibility.

Any undergraduate student of Indiana University shall have the option of being a candidate for any elected IUSG position, except for designated graduate student Congressional seats, provided that such a member meets the other eligibility requirements in this Code. All candidates must be undergraduate students for the duration of their term in office.

Section 202: Filing for Candidacy.

To properly file for candidacy, a candidate must submit to the Election Commission an electronically signed application via the online system provided by the Election Commission and posted on the IUSG website listing the IUSG office the candidate is seeking. This application must be submitted prior to the deadline set by the Election Commission. Applications for candidacy shall be accepted if the candidate meets all other eligibility requirements in this Code. The candidate will be listed on the ballot by their first and last name. If the candidate wishes to be listed by any other name, they must request the use of a particular name on this application, subject to the approval of the Election Commission. When an application is filed, the candidate shall be given a receipt that notes the date and time that the application was received. Any application received after the deadline shall not be accepted. The candidates must be the eligibility requirements as defined in the IUSG Constitution and Bylaws.

Section 203: Executive Ticket Petitions of Support.

In order to file for executive candidacy, each ticket must provide a petition of 150 student signatures with their application. These signatures may be either electronic or physical.

Section 204: Congressional Seats.

Congressional seats shall be allocated on a yearly basis as directed by the IUSG Constitution and Bylaws. The Election Commission Chair shall verify the composition of the Congress for the academic year following the Executive with the sitting IUSG administration and make publicly available a full list of these Congressional seats before the general Legislative callout meeting.

Section 205: Academic Requirement.

No candidate may be on academic probation or on university suspension and be a candidate for an IUSG office. All candidates must possess a college grade point average above 2.5 on a four (4) point scale.

Section 206: Candidacy for More Than One Office.

No person shall simultaneously be a candidate for more than one (1) elected position in IUSG. No elected members of Congress shall simultaneously hold appointed positions in the IUSG executive branch or judicial branch and vice versa.

Section 207: Sexual Misconduct and Violent Offenders

No person who has been found to be guilty of sexual misconduct or a violent crime by either the University or any legal jurisdiction, be it the United States or another nation, may be a candidate for an IUSG office.

Section 208: Recognition of Candidacy.

A candidate for any of the Executive offices as defined by the IUSG Constitution and Bylaws, must be a running mate with a candidate for the other Executive offices. These candidates shall run as a group and state an affiliation with the others, forming an executive slate. No individual may run for an IUSG executive position without the aforementioned running mates as defined in the IUSG Constitution..

Section 209 Ticket Definitions

Legal entities operating as a business or nonprofit are not considered tickets and are not allowed to run in the IUSG election. While not student organizations, tickets are required to live up to the responsibilities and obligations defined in the Student Involvement and Leadership (SIL) policies or face the penalties defined in Titles IV and V. Candidates are considered members of IUSG during the election season.

Section 210: Space Reservations

Any Executive ticket wishing to reserve a space on campus to promote their campaign at any point in the spring semester must do so through the Election Commission. This includes any meetings/tabling where a space must be reserved. The Election Commission will use its own discretion to create an adequate process for tickets and candidates wishing to reserve space. On the days of the Executive election, the Election Commission will establish an equitable and well-defined system to fairly distribute tabling space.

Section 211: Single Ticket Election

In the case that only one (1) ticket applies to run for IUSG by the application deadline, no further applications will be accepted and no exceptions will be made. As IUSG elections serve to raise awareness of the student government among the student body as a whole, elections will still occur according to the mandated timeline. The Election Commission will oversee these elections, and the candidates of the unopposed ticket will be required to campaign on both days of the election.

Section 212: Executive Ticket Campaign Staff.

Each executive ticket shall provide a list of all staff members working on their campaigns to the Election Commission upon application for candidacy. Any changes in staff must be provided to the Election Commission within 24 hours of the change occurring. The actions of staff members are under the jurisdiction of the Election Commission when adjudicating violations of this Code. The Election Commission reserves the right to rule that an individual is acting as a de facto member of campaign staff in the case that they are working on campaign matters without being appearing on the official staff list. This decision shall be conducted through a test of control and coordination of individuals on behalf of an executive ticket.

TITLE III: Voting.

Section 301: Voter Eligibility.

All students of Indiana University shall be eligible to vote in the IUSG Election. Each voter shall cast one (1) and only one (1) vote, and that vote shall only be on their behalf. Each voter shall have the option to vote for representatives whose seats are defined by the IUSG Constitution and Bylaws. No qualified elector may vote without using BeInvolved.

Section 302: Voting.

Voting shall be open from 10:00 AM on the first day of the IUSG Election to 10:00 PM on the second day of the IUSG Election for a total time period of thirty-six (36) hours. In order to cast an online vote, a voter shall only have access to their own individualized ballot through the BeInvolved system.

Section 303: Election Day Campaigning.

Informational material may be distributed by a candidate or ticket on the days of the election. Distribution of certain goods on the days of the election is limited in this Procedural Election Code..

Section 304: Plurality Vote Required for Congressional and Executive Candidates.

Candidates shall be elected by a simple plurality vote. In the case of a tie, the Student Body President shall call for an emergency Congress meeting within five (5) days of the public release of the election results. Congress shall select the winning candidate(s) by a simple majority vote and immediately release the results to the Election Commission and all candidates.

Section 305: Voting Processes.

The ballot for the IUSG Legislative and Executive Elections shall first identify all eligible tickets and provide an optional brief self-overview of each ticket's or candidate's platform following standardized word count and formatting requirements set by the Election Commission. Voters can select up to four (4) congressional seats. Voters can select one and only one executive ticket (FPTP) or opt to abstain from the executive election. Each candidate shall be listed on the ballot by their first and last name only, unless the Election Commission has approved the use of a preferred name. Executive candidates must designate ticket affiliation. Furthermore, no voting process shall be allowed that is contrary to the provisions provided in this Code.

Section 306: Blinding of the Election Results.

The Election Commission shall publicly post only the ranking order of the Executive election. For the Legislative election results, only the preliminary winners shall be posted publicly. The Election Commission shall blind all other parties to the unofficial totals after the Executive or Legislative election has been completed. The only persons authorized to view the unofficial totals are official representatives of Student Life and Learning not to number more than three (3) people in total. These parties are not allowed to share the unofficial totals with anyone until every complaint or appeal under the purview of the Election Commission has been finalized. After this finalization, the Election Commission will receive and verify the results from Student Life and Learning. The Election Commission will not release these results to any other party until all appeals of Election Commission decisions to the Supreme Court have been finalized.

TITLE IV: Campaign Spending.

Section 401: Campaign Expenditures Defined.

Any purchase or donation which is used for promoting any candidate or ticket shall be considered a campaign expenditure. In determining the value of an expenditure, non-affiliated candidates or tickets shall be assessed the fair market value of the goods or services used to campaign. For the purposes of this election, fair market value will be defined as the price a good or service would command on the open market, e.g. before family discounts or other special deals not available to all competing tickets. For the purposes of this election, goods are limited to tangible objects. For the purposes of this election, services are limited to contracted services. Services rendered by members of the ticket themselves or available to all candidates equally shall not be considered a campaign expenditure. No single candidate or ticket shall be penalized for a vendor's inability to supply every or any candidate or ticket with goods or services used for campaigning. The Election Commission shall have the authority to determine whether any purchase is a campaign expenditure and what the fair market value of the expenditure is according to the definition of this section. Any candidate may request from the Election Commission an advisory opinion as to whether a particular purchase would constitute a campaign expenditure and what value it would be assessed.

Section 402: Contributions for IUSG Elections.

Executive candidates appearing on the election ballot may contribute up to five hundred dollars (\$500.00) of their own funds to their campaign or ticket with which they are affiliated. Congressional candidates appearing on the election ballot may contribute up to two hundred and fifty dollars (\$250.00) to their campaign or ticket. Any individual or organization not appearing on the ballot may contribute up to one hundred dollars (\$100.00) in any one (1) IUSG election. Total campaign expenditures may not exceed total campaign contributions. Additionally, total campaign expenditures may not exceed two thousand dollars (\$2,000), regardless of total campaign contributions. Tickets are required to track and report contributions and any expenditures which are made before

the application deadline and list these expenses on any intermediate or final statement. Excess contributions must be returned proportionally within four (4) weeks of the election.

Section 403: Financial Statements.

A financial statement is defined as an itemized list of all campaign expenditures, including receipts and appropriate documentation for each campaign expenditure listed, and an itemized list of all contributions accepted. Documentation of expenditures must include the fair market value of the expenditure and appropriate vendor contact information as listed on the financial form created by the Election Commission,. Failure to provide appropriate information must instead be accompanied by a reasonable explanation of why it is not listed and reasonable efforts made to obtain the information. Documentation of contributions must include an itemized list of all contributions and all donor contact information as listed on the financial form created by the Election Commission.. Each financial statement must be signed by the candidate for President and this can be an electronic signatures. Receipts for all expenditures must also be submitted with each financial statement.

Section 404: Executive Election Submissions of an Intermediate Financial Statement to the Election Commission.

Each Executive ticket must submit a unified intermediate financial statement along with the appropriate receipts to the Election Commission between the date range set by the Election Commission before the IUSG Election. This financial statement must be cumulative and shall state all expenditures and contributions made to date.

Section 405: Executive Submission of Final Financial Statement to the Election Commission.

Each ticket shall submit a unified final financial statement, along with appropriate receipts, to the Election Commission, no later than 8:00 PM on the Friday after the IUSG Election. A financial statement must be submitted, even if the statement reflects that no expenditures were made. This final financial statement must be cumulative and shall state all expenditures and contributions made or given after candidate applications were due and through the end of the IUSG Election. Failure to submit financial statement is grounds for disqualification.

Section 406: Congress Election Submission of Final Financial Statement to Election Commission

Each Congressional candidate shall submit a unified final financial statement, along with appropriate receipts, to the Election Commission, no later than 8:00 PM on the Friday after the IUSG Election. A financial statement must be submitted, even if the statement reflects that no expenditures were made. This final financial statement must be cumulative and shall state all expenditures and contributions made or given after candidate applications were due and through the end of the IUSG Election. Financial statements will not be released and instead reviewed by IUSG Election Commission for violations.

TITLE V: General Campaign Violations.

Section 501: Evidentiary Standards.

When reviewing complaints, the Election Commission shall use the evidentiary standard of clear and convincing evidence to determine if a violation is present. Clear and convincing evidence means that evidence must be highly and substantially more likely to be true than not. .

Section 502: Improper Use of Email.

Any email sent to multiple voters soliciting votes that does not have all email addresses in the blind carbon copy (BCC) line shall constitute a violation of this Code. Any voter that requests to be removed from campaign emails soliciting votes must be removed from all ticket mailing lists within 36 hours.

Section 503: Improper Use of IUSG Office.

No ticket or non-affiliated candidate is to use the IUSG office for campaign purposes of any kind. Also, any resources generated exclusively for and by the use of IUSG may not be used for campaigning unless the resource is publicly available or distributed to all tickets.

Section 504: Affirmative, Deliberate Act to Cause Another's Violation.

No candidate, ticket, or anyone acting on their behalf shall deliberately cause any candidate, executive group, or campaign ticket to be in violation of this Code.

Section 505: Interference with Campaign Materials.

No candidate, ticket, or anyone acting on their behalf shall deface, destroy, remove, alter, or otherwise change any candidate or ticket campaign materials without their expressed permission.

Section 506: Residence Hall Restrictions.

Any candidate, ticket, or any person acting on behalf of any candidate or ticket found in violation of policies or guidelines established by Residential Programs and Services (RPS) and/or the Residence Halls Association (RHA) while campaigning within their facilities, shall constitute a violation of this Code unless expressed permission contrary to standing policies is granted by officials of the aforementioned organizations.

Section 507: Restricted Campaigning Areas.

With the exception of students at approved locations on election days reserved through the Election Commission, campaigning inside university libraries or computer labs at any time shall constitute a violation of this Code with the exception of lobbies or public gathering areas inside of these buildings. Campaigning in classrooms is restricted unless given explicit permission from the course instructor. Also, campaigning may not occur in any establishment that requires patrons to be twenty-one (21) years or older. For the purposes of this section, the term "campaigning" is meant to include any activity that is disruptive to students, such as person-to-person solicitation or distribution of campaign materials. It is not meant to include emailing, posting material, or wearing campaign clothing.

Section 508: Violations of University Policies.

Any ticket, candidate, or any person acting on behalf of any ticket or candidate found to have violated a publicly disseminated university policy, including the policies of the Student Life and Learning Office, University Information Technology Services (UITS), and those found in the Code of Student Rights, Responsibilities, and Conduct, for the purpose of promoting a candidate or ticket shall constitute a violation of this Code.

Section 509: Use of Animals While Tabling.

Any ticket, candidate, or any person acting on behalf of any ticket or candidate who has an animal present while tabling must provide proof of ownership to the Election Commission upon request. Proof of ownership includes, but is not limited to adoption papers, veterinarian bills, or pet insurance. Failure to provide proof of ownership upon request shall constitute a violation of this Code.

Section 510: Campaigning Outside of Designated Time Period.

Any public promotion of a particular candidate or ticket before the beginning of the official campaign period as defined in Section 109 shall constitute a violation of this Code.

TITLE VI: Campaign Violations Eligible for Disqualification.

Section 601: Voter Fraud.

Voter fraud shall be defined as, but not limited to, any act that prevents a voter from casting a vote in any IUSG Election, any act that attempts to remove a voter's right to cast a vote for himself or herself, any act that attempts

to purchase the ability to vote for a voter, or any act in which anyone attempts to cast a vote for another voter without their expressed consent. Examples of voter fraud include, but are not limited to, the following:

- Intimidating a voter or offering a voter any amount of money or services in exchange for a vote. Goods given to voters after a vote must be below two dollars (\$2.00) in value (stickers, candy, pens, etc. are acceptable). The Election Commission has full discretion to rule on this matter, so written notification seeking the Election Commission's permission is encouraged.
- Preventing a voter from casting a vote or preventing a voter from casting a vote for the candidate they desire.
- Changing a vote once it has been cast or using false information to cast a vote.
- Pressuring a voter to vote one way or another while they are in the immediate process of voting.
- Providing technology of any sort to a voter through personal solicitation – essentially serving as a polling station.

Section 602: Excessive Campaign Contributions.

Any candidate, ticket, or any person acting on their behalf found in violation of campaign contribution limits as defined Section 402 shall be in violation of this Code and eligible for disqualification.

Section 603: Excessive Campaign Expenditures.

Any candidate, ticket, or any person acting on their behalf that spends more than the total funds that they have received in contributions at any given time during the election, or any candidate, ticket, or any person acting on their behalf that spends more than three thousand dollars (\$3,000), regardless of the amount of campaign contributions received, shall be in violation of this Code and eligible for disqualification.

Section 604: Candidate Honesty.

Any intentional attempt of a candidate, ticket, or any person acting on their behalf to deceive or mislead the Election Commission, or an inquiry or investigation thereof, shall constitute a violation of this code. This includes a failure to produce evidence that is compelled by the Election Commission, as well as an intentional failure to notify the Election Commission of executive ticket staff members. Actions contrary to this Section may provide sufficient grounds for disqualification.

TITLE VII: Procedures for Disqualifications, Election Complaints, and Appellate Procedures.

Section 701: Selectivity of Disqualifications.

If students running as part of a campaign ticket are found to have committed violations, the Election Commission shall have the authority to determine whether penalties will be imposed upon an entire ticket. The Election Commission shall base such a determination on its judgment of whether the evidence presented indicates that a ticket conspired to commit a violation, or, conversely, that a single candidate or small group of candidates failed to adhere to this Code without the knowledge of the ticket's leadership. A single candidate for an executive office cannot be individually disqualified. If any executive candidate is penalized with disqualification, the entire executive slate shall be disqualified.

Section 702: Ineligibility after Disqualification.

If a candidate is disqualified, the candidate will be ineligible for election to IUSG office during the election cycle in which the candidate was disqualified. If a ticket is disqualified, all ticket members are ineligible for election to IUSG office during the election cycle in which the candidates were disqualified. If a winning candidate or ticket is disqualified after the election, the disqualified candidate(s) shall be ineligible to take office. Candidates disqualified during one (1) election cycle can run as candidates in future election cycles provided that they fulfill all other eligibility requirements.

Section 703: Advisory Opinions

The Election Commission will establish standardized submission procedures and release all advisory opinions publicly. Advisory Opinions will be issued internally in committee and then forwarded to the entire Election Commission where they will be subject to an up or down majority vote to certify the advisory opinion officially. Advisory Opinions will be issued as promptly as possible and no later than three (3) class days after receipt. Within seven (7) days of the election either before or after, the Election Commission will issue Advisory Opinions within thirty-six (36) hours of receipt.

Section 704: Properly Filed Complaints and Reply Briefs to the Election Commission.

Any member of IUSG who has credible evidence to find a ticket or candidate in violation of any Title of this Procedural Election Code has an affirmative duty to report the violation to the Election Commission by filing a complaint. The Election Commission has the authority to investigate a candidate or ticket if there is reasonable belief that a violation of any Title of this Procedural Election Code. The Election Commission can request candidates or tickets for more information if needed to investigate if a violation has occurred. Any person who has reason to believe that a violation of any Title of this Procedural Election Code has occurred can contact the Election Commission.

Complaints may only be issued about a violation that has occurred within the last 48 hours. If it has been more than 48 hours since the violation occurred, tickets or candidates may not file a complaint about that violation. The final deadline of complaints will be set at the discretion of the Election Commission. Complaints and Reply Briefs will only be accepted when filed per the procedures set by the Election Commission. Each complaint may include specific allegations, the names of those allegedly involved, the dates the alleged violations occurred, and citations to the specific portion of this code that the complainant(s) believes was violated with how each element of the offense is met. The complainant(s) may attach exhibits to the complaint that serve as documentation necessary to support the allegations stated in the complaints. However, these exhibits cannot contain new allegations or arguments to support the allegations not articulated previously. Each complaint to the Election Commission will be published to all other tickets or candidates registered through the candidacy application.

Section 705: Accepting or Rejecting a Complaint.

After receiving a complaint, the Election Commission shall decide if there is a substantial possibility of a violation. If the Election Commission concludes that there is a substantial possibility of a violation, they will accept the complaint, ask for reply briefs by a determined deadline, and publicly release the complaint to the other tickets or candidates. A reply brief must be directly related to the original complaint and may not contain any new allegations or arguments unless the new allegations are related to candidate honesty and/or misleading the Election Commission in the original complaint, but the reply brief may be amended exclusively to include new evidence. It is recommended that exhibits be attached and that the complaint be well organized to argue for clear relief or redress. Upon receipt of the complaint, the Election Commission will distribute the complaint to the Supreme Court and the IUSG Advisors. The Election Commission will in its entirety, move forward with evaluation procedures set forth in Section 706 if it finds that there is substantial possibility of a violation. Failure to find a substantial possibility of a violation will result in dismissal of said complaint(s) and does not require any explanation to the tickets.

Section 706: Procedure for Complaints after Acceptance by the Election Commission.

After a complaint is accepted, the Election Commission will gather evidence as needed and set forth in the complaints, reply briefs, and may compel evidence from the parties involved. The Commission must rely upon evidence presented in complaints and reply briefs to declare with specificity the evidence requested. Requests must be relevant to the inquiry and not unduly burdensome. Failure to produce evidence will be construed as evidence against the party failing to fulfill the request.

The Commission will then vote, either in person or electronically, to issue a ruling if the Election Code was violated. This ruling will be based on the evidence presented by any of the parties in properly filed briefs and will be issued by majority vote of the Election Commission. If a complaint is determined to be not a violation, it is then rejected by the Election Commission and will no longer be considered.

The final ruling of the Election Commission shall be issued by affirmation of at least 70% of Election Commissioners. The Election Commission will release any documents used in its determination of violation when the Election Commission releases its final decision.

Section 707: Violations & Point System

If the Election Commission has ruled that a complaint violation has occurred, then the Election Commission will issue a set number of points to the ticket or candidate based upon the point system. The exact numbers for the point system will be determined by the Election Commission and published to all tickets before the election. Only the ticket or candidate in violation will be kept notified of how many points that they have. The number of points that each ticket or candidates has will not be public information to other candidates or tickets. If a candidate or ticket is in violation of the Election Code and reaches a total 10 points or more, then this is grounds for disqualification.

Section 708: Appeals of Election Commission Decisions.

Appeals will only be accepted in three situations: (1) Where there is clear error by the Election Commission, (2) where there is a matter of interpretation of the code, bylaws, or constitution, or (3) in a case of bias of one or more members of the Election Commission. The appeal must contain a statement about the specific decision made the Election Commission, an argument for why the decision should be overturned, and a specific request for relief. The appellant(s) may attach exhibits to the appeal that serve as documentation necessary to support the allegations stated in the appeal. However, these exhibits cannot independently contain arguments. The appellant(s) must submit the appeal no later than forty-eight (48) hours after the Election Commission posts its decision for public review.

Clear error requires a finding that no reasonable Election Commission could find the decision subject to the appeal. If clear error is found the court will institute the finding that would be reasonable in accordance with the code. If there is no clear error found, then the court will leave the decision in place.

In an appeal concerning interpretation where the result is inconsistent with the decision in question, then the case will be remanded with proceedings not inconsistent with the ruling. If there is no inconsistency the decision in question will stand.

In an appeal concerning bias where bias is found, then the Supreme Court will force a recusal of the member or members in question and the decision or decisions will be remanded. If this denies the Election Commission quorum, then the Supreme Court will review all cases de novo. If there is no finding of bias, then the decisions will stand.

The Supreme Court shall set its own guidelines for determining whether to accept an appeal, unless specified otherwise in the bylaws, or constitution, regardless of whether the appeal is filed properly or improperly. If the Supreme Court chooses not to hear an appeal, the decision of the Election Commission shall stand. Appeals that do not present a genuine controversy can be denied by the Supreme Court without explanation.

Section 709: Extraordinary Discoveries of Evidence After Submission Deadlines.

If any member of IUSG discovers extraordinary evidence (e.g. evidence which they believe may have altered Election Commission decisions) and can show with good faith that such evidence could not be produced before

the submission deadline, the member of IUSG may petition the Supreme Court before the Supreme Court certifies the election. The Supreme Court will determine if the evidence could not have reasonably been produced before the submission deadline, and if so there is a significant chance that it would have changed any decisions issued by the Election Commission to the degree that the results of the election may be altered. If the Supreme Court determines that this significance is present, they compel the Election Commission to reconsider their decisions incorporating the new evidence.

Section 710: Election Certification Process

24 hours after all final appeal rulings by the Supreme Court, the Chair of the Election Commission shall request the Chief Justice and the Clerk of the Court to certify the results of the election. The Supreme Court shall follow proper internal procedures to rule on certifying the election in line with the IUSG Constitution and Bylaws. Upon certification, these results shall be posted and made publicly available to the student body. The IUSG Graduate Advisor(s) shall also receive notification of final certification.