

## **Elections Code of the Student Union**

Passed by the Student Union Senate September 19, 1967 (B-7-F67 the Elections Code of the Student Union Act), and as amended December 12, 1967 (B-30-F67), and as amended February 6, 1968 (B-6-S68), and as amended April 2, 1968 (Art. IV, Sec. 2), and as amended May 8, 1969 (B-50-S69), and as amended April 7, 1970 (A-22-S70), and as amended April 28, 1970 (A-44-S70), and as amended September 15, 1970 (B-13-F70), and as amended January 25, 1972 (B-25-S72), and as amended April 28, 1972 (B-17-S72), and as amended October 22, 1974 (A-1-F74), and as amended February 3, 1976 (A-2-S76), and as amended October 18, 1977 (A-3-F77), and as amended (A-1-F80), and as

amended (A-1-F82), and as amended September 22, 1987 (HR-1-F87), and as amended (ECB-1-S88), as amended June 16, 1993 (ECB-1-S92), and as amended April 21, 1998 (HR-1-S98), and as amended February 1, 2001 (ECB-1-S01) and as amended April 24, 2001, and as amended February 4, 2003 (ECB-1-S03), and as amended March 11, 2003 (ECB-2-S03), and as amended October 28, 2003 (EC1- F03), and as amended October 19, 2004 (ECB-1-F04), and as amended September 27, 2005 (ECB-1-F05), and as amended April 28, 2009 (ECB-1-S09) and as amended (ECB-1-S11)

### Article I: The Election of the Executive Officers of the Student Union

Sec. 1. Members of the Student Body shall nominate from the floor of the Student Union Senate, members of the Student Body whom they consider best qualified for the offices of President, Executive Vice President, Vice President for Business Affairs, Vice President for Judicial Affairs, Vice President for Student Organizations, Vice President for Programming, and Vice President for Communications of the Student Union. These nominations shall be made at the second-to-last regularly scheduled Senate meeting in the month of October.

Sec. 2. During the last scheduled meeting of the month of October, nominations for President, Executive Vice President, Vice President for Business Affairs, Vice President for Judicial Affairs, Vice President of Student Organizations, Vice President for Programming and Vice President for Communications of the Student Union shall be reopened. All nominations must be seconded at least once by a member of the Student Union Senate. After nominations are closed, nominees will either accept or decline the nomination. A nominee becomes a candidate upon accepting his or her respective nomination. Nominees may appoint a proxy to accept and speak on his or her behalf at any time during the nomination proceedings. Students wishing to run for a Student Union position may run for no more than one office during this election.

Sec. 3. Candidates for the Student Union Executive Board positions will submit a platform statement by 5:00 pm on the Friday before the General Election.

Sec. 4. On the Wednesday and Thursday of the first week of November, the names of the candidates for the offices of President, Executive Vice President, Vice President for Business Affairs, Vice President for Judicial Affairs, Vice President for Student Organizations, Vice President for Communications, and Vice President for Programming of the Student Union, shall be submitted to the Student Body for a General Election. Write-in candidates shall be permitted in a General Election. Each student who votes must present a valid Banner ID Pin in order to access the student internet voting system. The Student Body shall then determine the President, Executive Vice President, Vice President for Business Affairs, Vice President for Judicial Affairs, Vice President for Student Organizations, Vice President for Programming, and Vice President for Communications of the Student Union.

Sec. 5. Procedure for Run-Off Elections. If two (2) candidates are running for a single office, the winner will be determined by a plurality. If there is a tie for the winner, only those candidates involved in the winning tie shall enter into a run-off election. The candidate who wins the plurality of votes in the run-off election shall be named the winner of the election for his or her particular office.

Sec. 6. The outgoing executive officers will train the officers-elect prior to Winter Break. Attendance at said officer transition process is mandatory for all outgoing officers and officers elect.

Sec. 7. The Executive Officers elect shall assume office upon their inauguration during the first week of the spring semester.

Sec. 8. The Executive Board Elect of the Student Union shall take an oath of office publicly at their Inauguration. The oath is to be administered to each separately. First, it is to be issued by the outgoing President to the incoming President. Then the Vice President for Judicial Affairs is given the oath according to Section 9 of this Article. The newly inaugurated Vice President of Judicial Affairs is to administer the oath to the incoming Executive Vice President, Vice President for Business Affairs, Vice President for Student Organizations, and Vice President for Programming and Vice President for Communications of the Student Union, which is as follows:

"I, N., do solemnly swear that I will faithfully execute the office of ... of the Student Union, and will to the best of my ability preserve, protect, and defend the Constitution and traditions of the John Carroll Student Union. So help me God."

a.) A President entering his or her second consecutive term shall have the oath of office administered by a member of the University community of his or her choosing.

Sec. 9. The Vice President for Judicial Affairs of the Student Union shall take an oath of office publicly at the Inaugural Ceremony, to be administered by the outgoing Vice President of Judicial Affairs of the Student Union, which is as follows:

"I, N., do solemnly swear that I will faithfully execute the office of Vice President of Judicial Affairs of the Student Union, and will act in that capacity as a fair, impartial, and responsible judge, in all cases referred to the Hearing Board of the Student Union. So help me God."

a.) Should the Vice President for Judicial Affairs be entering his or her second consecutive term, he or she shall have the oath of office administered by the newly-inaugurated Student Union President.

Sec. 10. The Justices of the Hearing Board, as they are appointed and ratified, shall take an oath in private administered to them by the Vice President of Judicial Affairs of the Student Union, which shall read as the Vice President of Judicial Affairs' oath, inserting the words "Justice of the Hearing Board," in place of: "Vice President of Judicial Affairs.

## Article II

### The Election of Class Representatives

Sec. 1. In order to secure a place on the ballot, a candidate must submit to the Chairperson, a letter stating his or her candidacy for a Class Senator position, his or her name as it is to appear on the ballot, and his or her current phone number and e-mail address, no later than the date selected and advertised by the Elections Committee. The Elections Committee shall make official letters of intent available, at least one month prior to the scheduled General Election of the respective Class Boards. These letters must state the official time that the letters are due to the Elections Committee.

Sec. 2. The election of Class Senators will be held in the same manner as Executive Officers of the Student Union, except that Class Senator elections will be held the Wednesday and Thursday of the third week of November.

Sec. 3. The top six vote winners in the Senate Elections will represent their class in the Senate as its respective Class Board.

Sec. 4. Class Presidency. The Senator-Elect with the most votes is automatically names the President of their respective class. If the Class President-Elect declines the position or is unable to fulfill his or her term in office, the second-highest vote winner shall become Class President.

Sec 5. Graduating Seniors shall retain their voting privileges and carry out any existing obligations, other than those that end with the election of and appointments given by the new Executive Officers of the Student Union.

Sec 6. All voters in General Elections must have a valid banner ID in order to cast a ballot. Voters will cast ballots by their academic year.

Sec 7. Write-in candidates are permitted in the General Election. If the write-in candidate succeeds in securing an office with at least the minimum number of votes (10), he or she must acknowledge his or her acceptance of the office to the Chairperson of the Elections Committee within 24 hours of the closing of the polls. If the acceptance is not acknowledged, the office shall be filled by the Class President of the affected Class Board with the approval of the majority of the Board, according to Article II, Sec. 6, of the Constitution, at the earliest possible time.

Sec. 8. All members of the Student Union Senate shall take an oath of office either during or before the first Senate meeting after the commencement of the spring semester and/or his or her appointment to the Senate, which is as follows:

"I, N., do solemnly swear that I will faithfully execute the office of Senator of the Student Union, perform such duties as are entrusted to me, effectively represent my constituency, and to the best of my ability preserve, protect, and defend the Constitution and traditions of the John Carroll Student Union. So help me God."

### Article III

#### Election Procedures for Executive and Class Elections

Sec. 1. Membership of the Elections Committee shall be comprised of the Chairperson of the Elections Committee, the Vice President for Judicial Affairs, and the Senior Class Board.

a). The Vice President for Judicial Affairs shall not be on the Elections Committee if that person is running for elective office in the Student Union during that election cycle.

b). If the Vice President for Judicial Affairs is not able to serve on the Elections Committee then a member of the Hearing Board, who is not running for elective office, shall be chosen by the Elections Committee Chairperson.

Sec. 2. In all elections the Chairperson of the Elections Committee shall hold a meeting for all candidates. At this meeting the Chairperson of the Elections Committee must pass out an official sheet outlining the procedures governing elections as well as all other regulations that the Elections Committee will be enforcing. This official sheet must include regulations regarding the placement of campaign literature. Any changes made to this sheet at any time must be approved by the Elections Committee within 24 hours, and a new sheet outlining these changes must be submitted to all the candidates within the above timeline.

Sec. 3. Debates will be held for the Presidency of the Student Union. The Vice Presidential candidates are required to deliver a 2 minute platform statement and introduction before the commencement of the Presidential debates. The debates shall take place during the Tuesday before the General Executive Board Elections, and shall be chaired by a member of the Elections Committee. It is the responsibility of the Chairperson of the Elections Committee to announce and publicize the times and places.

Sec. 4. Publicity will be provided for both executive and class elections as follows:

a). The Elections Chairperson must distribute literature to students indicating Student Union office availabilities before the elections process begins for both executive and Class Senators.

b). Debates and elections must be publicized with greater effort. These may include, but are by no means limited to placing an ad in the Carroll News, distributing flyers in mailboxes, and issuing a news brief to the television station.

Sec. 5. In case of a tie in the General Election:

a). For the offices of President, Executive Vice President, Vice President for Business Affairs, Vice President of Judicial Affairs, Vice President for Student Organizations, Vice President for Programming and/or Vice President for Communications of the Student Union, another election shall be held the Monday and Tuesday following the first General Election. If a tie reoccurs, at its next regularly scheduled meeting, the Student Union Senate shall determine the President, Executive Vice President, Vice President for Business Affairs, Vice President of Judicial Affairs, Vice President for Student Organizations, Vice President for Programming, and Vice President for Communications from the candidates on the first general ballot by a majority vote with at least two-thirds present and voting.

b). For the positions on the respective Class Board, a re-election shall be held and conducted according to the same procedures of the General Election. The re-election shall be held the Monday and Tuesday following the Thanksgiving holiday break for those persons involved in the tie. If another tie occurs, a second re-election shall take place in the same manner. In all cases a plurality of even one vote constitutes a win. If a tie occurs in the second re-election, the Class Board-elect for that class shall vote by secret ballot, with the Chairperson of the Elections Committee present to verify the procedures, by the Friday of the same week of the second re-election, and shall determine the winner by majority vote, with all Senators-elect present and voting.

Sec. 6. If any candidate withdraws or is denied his or her candidacy between the start of the General Election, and the time the Elections Committee publishes the result of the elections, a Run-Off election will be held for that office. When a Run-off election is called, the procedure will follow the regular election by-laws as stipulated in this Elections Code.

Sec. 7. The Chairperson, at least two other members of the Elections Committee and the Director of Student Activities shall have access to voting results in all elections. Each candidate in the election must receive a minimum of 10 votes. Result totals shall be made public upon tabulation.

Sec. 8. In addition to qualifications established in Article V of the Constitution, a Senator elected to an Undergraduate Class Board must be a member of the constituency which he or she represents at the time of his or her election to the office and during the entire term of his or her office, or else forfeit his or her seat in the Student Union Senate.

Sec. 9. Candidates and those campaigning for a candidate may not solicit votes in the Student Center Atrium or Cafeteria, use any form of digital technology get students to vote while in their presence, and may not campaign within 50 feet of a polling location.

Sec. 10. In all Student Union General Elections and Run-Off elections, polls shall be open at 12midnight on the Wednesday the week of elections and close at 7:30 p.m. the Thursday of the week of elections (subject to change in the event of a conflict with University scheduling).

Sec. 11. All elections shall be done online via the banner system. A direct email shall be sent to all students by 8:00am the day of the elections with voting instructions and information on candidates.

Sec. 12. To promote the online elections a table and laptop will be provided and staffed by members of the Elections Committee at Einstein's and the Atrium of the D.J. Lombardo Student Center from 9am until 8pm on both days of the election

Sec 13. All violations of the elections code shall be reported to the Elections Committee for a decision, subject to appeal to the Hearing Board. If found responsible, the candidate shall be subject to review by the

Elections Committee, including files, denial of candidacy, voiding of electoral outcome, and/or permanent electoral ineligibility. Sanctions may be appealed to the Student Union Hearing Board when petitioned in writing within 24 hours of the Elections Committee's decision.

#### Article IV : Regulation of Campaign Practices in Executive and Class Elections

Sec. 1. Political advertising shall be defined as any promotional material for one or more candidates. Political advertising includes: campaign material, literature, posters, flyers, large signs, etc. This does not include personal contact except as specified in a) and b) of Sec. 2 of this article.

a). Candidates in a General Elections, Class Elections and Run-Off Elections are allowed one poster board sign in each of the Residence Halls during the time of that election, which is to begin after the candidate meeting. A large sign is not to exceed 6 feet in length, 3 feet in width, and 1 millimeter in thickness. Other political advertising may not exceed 2 feet by 1 1/2 feet by 1 millimeter in any building.

b). Political advertising, outside that which occurs in residence halls, may only be posted on designated bulletin boards in specified areas. Their locations are as follows: Dolan Center vending areas (beneath the stairs in the atrium), School of Business first floor stairwell, the bulletin board across from the student mailboxes, and the bulletin board next to the Student Life Annex in the Recplex. There shall be no placement of political advertising on the first floor of the Administration Building.

c). Political advertising may only be posted on the FYI boards maintained by the office of Residence Life. Signs may not be posted on any walls, doors, or windows either inside or outside the building. Any student who lives in the residence halls and supports a particular candidate may post signs for that candidate on his or her door. Campaign material must not be distributed, i.e., posted to or placed under a door, without specific consent of that resident.

d). No candidates' expenditures for class elections may exceed \$100.00; no candidates' expenditures for the offices of President, Executive Vice President, Vice President for Business Affairs, Vice President of Judicial Affairs, Vice President for Student Organizations, Vice President for Programming, and Vice President for Communications of the Student Union, may exceed \$200.00. Campaign expenditures include all resources used during the campaign, either purchased, donated, or from whatever the source derived. Receipts and invoices for all purchases or donations must be made available to the Elections Committee upon request.

e). All campaign materials must follow posting guidelines, including the University Posting Policy, which must be given to all candidates at the Candidate meeting.

f). Executive Board candidates are allowed to produce one banner campaign advertisement to be displayed in the LSC Atrium with the approval from the Office of Student Activities.

Sec. 2. No political advertising is permitted in the Varsity Gymnasium, Kulas Auditorium, the Marinello Little Theater, the Student Union Office, Grasselli Library, on any vending machines, on any doors not previously designated, on any windows, in the serving area of the Dining Hall and/or Inn Between, on University bulletin boards not previously designated, on Student Union bulletin boards, in any rooms or areas of the Recplex not specified here, or within 50 feet of the polling area, unless previously specified.

a). For class elections, political advertising and specific personal contact for the purpose of campaigning either door to door in residence halls, at organizational meetings, or any other form of personal contact may begin one week before the General Election.

b). For the elections of the President, Executive Vice President, Vice President for Business Affairs, Vice President for Judicial Affairs, Vice President for Student Organizations, Vice President for Programming, and Vice President for Communications of the Student Union, political advertising and specific personal contact for the purpose of campaigning either door to door in residence halls, at organizational meetings, or any other form of personal contact may begin may begin at midnight following the Executive Board Candidate Meeting.

c.) Interpretation of proper personal contact and proper sanctions for violations will be the responsibility of the Elections Committee consistent with Article III, Section 13, subject to appeal to the Hearing Board.

Sec. 3. Political advertising in The Carroll News must be budgeted into the amount for the candidate's campaign as stated in Article IV, Section 1, Subsection d.

Sec. 4 Political emails for individual campaigns will be conducted through the following methods:

a). The Elections Chairperson will prepare an ALL STU email with all of the names of the candidates and the position they are seeking, as well as any other information as requested of all candidates equally. This email will also be sent to representatives of all recognized student organizations.

b). Individual candidates are permitted to email personal acquaintances regarding their campaigns. However, any reported abuse of the John Carroll University Student Directory or the groups and messaging capacities of the John Carroll University section of [www.facebook.com](http://www.facebook.com) will not be tolerated and will subject the candidate to the policies set forth in Article III, section 13 of the Elections Code. No student seeking office is permitted to campaign before the campaign period officially begins.

Sec. 5. Each candidate is fully responsible for the actions of his or her campaign staff and for all solicited persons acting on his or her behalf, so long as it can reasonably be proven that the candidate was previously aware of the infraction before it was committed and did nothing to prevent it and/or the candidate was involved in the orchestrating of the infraction.

Sec 6. If a candidate feels that his or her candidacy has been affected by any individual or group of individuals during an election period, the candidate can submit a formal complaint in writing to the Elections Committee, which will decide on the matter and sanction according to the policies set forth in Article III, Section 13, subject to appeal of the Hearing Board.

Sec. 7. All political advertising must be removed by 6:00 p.m. the Friday following the General or Run-Off, whichever is the candidate's last election. Failure to comply subjects the candidate to the provisions of Article III, Section 13 of the Elections Code.

Sec. 8. Failure to list all campaign expenditures subjects the candidate to the provisions of Article III, section 13 of the Elections Code.

Sec. 9. Interpretation of this article and its contents shall be vested in the Elections Committee and infractions will be investigated on a case-by-case basis. Appeals of Election Committee decisions may be made to the Student Union Hearing Board under the direction of the Vice President of Judicial Affairs.

Sec. 10. All campaign materials need to uphold the standards of John Carroll University. Any campaign materials deemed inappropriate, offensive or a violation of University code of conduct will be subject to provisions of Article III, section 13 of the Elections code and to review by the Student Union Hearing Board.

#### Article V: Recall Procedures

Sec. 1. Any member of the Senate shall be subject to recall under the following provisions:

a). To be subject to recall, a petition requesting that "Name, Senator, (Class Office held) be subject to a recall election" on the "state the grounds/reasons" signed by those circulating the petition, shall be drawn up by the Chairperson of the Elections Committee. Once this petition is circulated, a minimum of 300 signatures must be obtained and returned to the Elections Committee within two weeks.

b). To be valid, the petition must contain the signatures and Banner Identification Numbers of 300 members of the electorate. Upon the return of these petitions to the

Chairperson of the Elections Committee, the Chairperson shall certify that the necessary numbers of signatures have been obtained and shall validate the petition if the requirements have been met.

c). Upon certification, the Chairperson shall notify the Senate member subject to recall and schedule the referendum for the next Monday and Tuesday in the normal voting place for the constituency on the issue:

Name, Office

Shall remain in office

Yes No

d). A majority shall decide the issue, although no Senator shall be removed from office unless half, or approximately 350 members, of the constituency have voted. Should the seat be declared vacant by the Chairperson of the Elections Committee, the seat will be filled according to Article III, Sec. 11, of the Constitution.

e). Any member of the Senate shall be subject to more than one recall under the following provisions:

1) To be subject to recall, a petition requesting that "Name, Senator, (Class Office held) be subject to a recall election" on the "state the grounds/reasons" signed by those circulating the petition, shall be drawn up by the Chairperson of the Elections Committee. Once this petition is circulated, the necessary number of signatures must be obtained and returned to the Elections Committee within two weeks.

2) To be valid, the petition must contain the Banner Identification Numbers of one third of the electorate of the constituency. Upon the return of these petitions to the Chairperson of the elections Committee, the Chairperson shall certify that the necessary numbers of signatures have been obtained if such is the case, and shall validate the petition if the requirements have been met.

3) Upon certification, the Chairperson shall notify the Senator subject to recall and schedule the election for the next Monday and Tuesday in the normal voting place for the constituency on the issue:

Name, Office

Shall remain in office

Yes No

4) A majority shall decide the issue, although no Senator shall be removed from office unless forty percent of the constituency has voted. Should the seat be declared vacant by the Chairperson of the Elections Committee, the seat will be filled according to Article III, Sec 11 of the Constitution.

5) A senator shall not be subject to more than one recall election per semester.

Sec. 2. Any officer of the Executive Board shall be subject to recall under the following provisions:

a). To be subject to recall, a petition requesting that "Name, (Executive Board Position held) be subject to a recall election" on the "(state the grounds)" signed by those circulating the petition, shall be drawn up by the Chairperson of the Elections Committee. Once this petition is circulated, a minimum of 400 signatures must be obtained and returned to the Elections Committee within two weeks.

b). To be valid, the petition must contain the signatures and Banner Identification Numbers of 400 members of the electorate. Upon the return of these petitions to the Chairperson of the Elections Committee, the Chairperson shall certify that the necessary numbers of signatures have been obtained and shall validate the petition if the requirements have been met.

c). Upon certification, the Chairperson shall notify the Executive Board Officer subject to recall and schedule the referendum for the next Monday and Tuesday in the normal voting place for the constituency on the issue:

Name, (Executive Board Position currently held)

Shall remain in office

Yes No

d). A majority shall decide the issue, although no Senator shall be removed from office unless the total of voters is equal to or greater to the total number of students that voted for President in the previous election. Should the seat be declared vacant by the Chairperson of the Elections Committee, the seat will be filled according to Article III, Sec. 12 and Sec. 13, of the Constitution.

e). An Executive Board Officer may not be subject to a recall more than once per term.

#### Article VI: Petition to Referendum

Sec. 1. The Student Body may, at any time, petition the Student Union to hold a binding referendum of all undergraduate students. The topic of the referendum must be one that has already appeared in a bill before the Student Union Senate.

a). Prior to circulating the sheets of the petition, the petitioners must submit the proposed initiative or referendum along with 100 signatures to the Vice President for Judicial Affairs for approval. The Vice President for Judicial Affairs will verify the validity of the petitioners' signatures, and ensure that the petition possesses cogency of language as well as parallel grammatical structure to the existing Student Union legislation.

b). Prior to circulation of the sheets of petition, a sentence must appear at the top of every sheet specifically declaring the choices available to the voters and/or the issues of the referendum as it will appear on the official ballot. The petition must also display the names and addresses of those proposing the petition.

c). The number of signatures needed to submit a petition for ballot vote shall be the same as the total number of votes cast for Student Union President during the last preceding election.

d). Once a petition has been approved for ballot vote, the votes necessary for approval of the measure are a plurality of affirmative votes.

e). The validation of petitions shall be accomplished by the Elections Committee within one week of submission of the petitions.

f). Within two weeks of validation of the petitions by the Elections Committee, the referendum shall be held.

g). Referenda are subject to the same voting procedures stipulated in this Elections Code.

h). Any political advertising concerning a referendum is subject to the same regulations as stipulated in Article IV of this Elections Code (except those which deal with campaign expenditures).



Sec. 2. Any decision of the Elections Committee concerning the execution of referenda procedures is subject to appeal to the Hearing Board.