

THE UNIVERSITY OF OKLAHOMA STUDENT GOVERNMENT ASSOCIATION



UNDERGRADUATE STUDENT CONGRESS  
Session CIV

General Body Meeting

7:00 pm, Tuesday, September 29, 2020

<https://oklahoma.zoom.us/j/96159309031?pwd=c2c1WDMyNGk3TXBuYVMzSXZjUEcwUT09>

Passcode: 74296497

Roll Call

Mission Statement

Moment of Silence

Approval of Minutes

Chair's Report -

Vice Chair's Report -

Secretary's Report -

Committee Reports-

- Campus Outreach, Safety, and Concerns
- Congressional Administration:
- External Affairs:
- Human Diversity:
- Sustainability:
- University Policy:
- Ways and Means:

Liaison Reports

Special Orders

- OU Food Pantry
- Executive Branch Progress Reviews

Student Concerns

Old Business

Items to Be Considered

AB-104-05 Auxiliary Allocation 3 Act of 2020-2021 (Patton) (WAM, Do Pass)

CB-104-19 True Democracy NOW Act of 2020 (Hillis) (ConAd, Do Pass)

Follow-Up Reports

Items for Future Agenda

Announcements and Comments

Final Roll Call

Adjourn

Chair: Savannah Patterson

Vice Chair: Malachi Bouch

Secretary: Emily Tucker

THE UNIVERSITY OF OKLAHOMA STUDENT GOVERNMENT ASSOCIATION

UNDERGRADUATE STUDENT CONGRESS  
CONGRESSIONAL SESSION CIV  
September 29th, 2020

GRADUATE STUDENT SENATE  
SENATE SESSION GF20  
September 27th, 2020

CONGRESSIONAL BILL AB-104-05  
SENATE BILL NO. GF20-XX

AS INTRODUCED

An act relating to appropriations; providing for short title; stating purpose; appropriating Auxiliary Funding for the 2020-2021 process; stating appropriation guidelines; establishing expiration deadline; directing transfer of unused funds by deadline; and providing an effective date.

BE IT ENACTED BY THE UNIVERSITY OF OKLAHOMA STUDENT GOVERNMENT ASSOCIATION:

- Section 1:** This act shall be known and may be cited as the “Auxiliary Allocation 3 Act of 2020-2021”
- Section 2:** PURPOSE. The purpose of this act is to appropriate the funds of the University of Oklahoma Student Government Association to the organizations mentioned within.
- Section 3:** APPROPRIATION. The following amounts are hereby allocated to

Organization	Programs, Events & Activities	Capital Investments	Office and General Expenses	Total
Christians on Campus	800			800
Okie Belles	400		300	700
<b>TOTAL:</b>				<b>1500</b>

- Section 4:** All guidelines and provisions in Title 10 of the Code Annotated shall apply to all funds appropriated in this act.
- Section 5:** This fiscal year for the account listed in these sections shall end May 7, 2021
- Section 6:** All unspent money remaining in the accounts listed in Section 3 shall revert to the SGA General Account after May 7, 2021, and the remaining appropriations shall be canceled.
- Section 7:** This act shall become effective when passed in accordance with the SGA Constitution.
- Author(s): Lauren Patton, Chair, SGA Budget Committee

Co-Author(s): SGA Budgetary Committee

Submitted on a motion by:

Action taken by Student Congress:

Verified by Chair of Student Congress: \_\_\_\_\_ Date: \_\_\_\_\_

Submitted on a motion by:

Action taken by Senate:

Verified by Chair of Senate: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by SGA President: \_\_\_\_\_ Date: \_\_\_\_\_

THE UNIVERSITY OF OKLAHOMA STUDENT GOVERNMENT ASSOCIATION

UNDERGRADUATE STUDENT CONGRESS CONGRESSIONAL SESSION CIV

Month DD, YYYY

GRADUATE STUDENT SENATE SENATE SESSION GSXX

Month DD, YYYY

CONGRESSIONAL BILL CB-104-19

SENATE BILL NO. GFXX-XX

AS INTRODUCED

A Congressional Act of Legislation that amends the Code Annotated to allow for more open and fair elections; providing short title; and providing an effective date.

**Section 1:** Title: This act shall be known and may be cited as the “True Democracy NOW Act of 2020.”

**Section 2:** Purpose: The purpose of this act shall be to amend the Code Annotated to (1) improve safeguards to protect candidates, (2) increase accessibility of voters to vote on candidates, (3) remove all fines, and (4) clarify, streamline, and update all language as necessary and reorganize the election sections.

**Section 3:** AMENDATORY: Remove all text from Title IV, Chapter 6 of the Student Government Association's Code Annotated.

**Section 4:** AMENDATORY: A new section shall replace Title IV, Chapter 6 of the Student Government Association's Code Annotated.

### **Chapter 6 – The SGA Elections Commission**

1. **Power.** The Election Commission shall be responsible for overseeing and enforcing all provisions of Title VI of the Code Annotated and ensuring fair elections.
  
2. **Composition.** The Election Commission shall consist of the Election Commissioner, the Election Staff, and an ex-officio officer of the Congressional Administration Committee. No member of the Election Commission shall commit election fraud; evidence of fraud shall be presented to the General Council, as provided for in Title VI. Any member of the Election Staff may be removed by recommendation from the SGA President or Election Commissioner with the advice and consent of the Legislative Branch. No member of the Election Commission shall be a candidate in any election for which they are appointed to work. The Election Commissioner and Staff shall be SGA members and serve from the beginning of the fall semester to the end of the spring semester of a given academic year.
  - a. **Election Commissioner.** The Election Commissioner shall be appointed by the SGA President with the advice and consent of the Legislative Branch. The appointee must be submitted to the Legislative Branch for advice and consent after the Spring election.
    - i. **Responsibilities**
      1. Consistent with Title VI, the Election Commissioner may make such rules and procedures and take such action as they deem necessary to affect the provisions and intent of the Code Annotated and to ensure a fair election. Such rules and procedures shall be considered binding unless overturned on appeal.
      2. The Election Commissioner shall hold an Interest Meeting for all prospective candidates or members of SGA five (5) academic weeks before any election.
      3. The Election Commissioner and SGA Staff Assistant shall ensure that the academic districts and eligibility requirements of all candidates are verified at least forty-eight (48) hours prior to the publication of the Information on Candidates Booklet.
      4. The Election Commissioner shall publicly post confirmed disclosed spending information for all SGA Presidential candidates and all CAC Chair candidates four (4) days prior to the election.
      5. The Election Commissioner shall make all correspondence, applications, records, reports, and forms regarding all elections available for public inspection in the SGA office except when state and/or federal law does not allow.
      6. The Election Commissioner shall hold office hours to assist candidates prior to and during the election process. From the filing period to the validation of the election of the semester, the Election Commissioner shall hold a minimum of eight (8) office hours a week in the SGA office. The office hours schedule shall be publicly posted by the Election Commissioner.
      7. The Election Commissioner may have additional responsibilities as provided for in Title VI.

ii. **Report.** At the conclusion of each election, the Election Commissioner shall make a report to the Superior Court for their consideration in validating an election. This report must be submitted to the Superior Court within forty-eight (48) hours following the closing of the polls. The Election Commissioner shall also file a report of the results of the election to be kept in the SGA executive offices. This report shall also be submitted to the SGA President, the Undergraduate Student Congress, the Graduate Student Senate, and General Counsel and shall include:

1. The total number of votes cast for each candidate or ticket at each poll,
  2. The total number of consenting and dissenting votes in any referendum,
  3. Any written rulings issued by the Election Commissioner,
  4. The minutes of the Election Commission,
  5. Information about any election irregularities or problems, and
  6. Other appropriate information.
- iii. **Vacancy.** If the position of Election Commissioner is not filled in accordance with the legislative advising and consenting process, the General Council shall fulfill all duties of the Election Commissioner until one is officially appointed.
- iv. **Appointing the Election Commission Staff.** The Election Commissioner shall appoint the Election Commission Staff with the advice and consent of the Legislative Branch.
- b. **Election Commission.** The Election Commission shall consist of three (3) or five (5) SGA members. The Election Commissioner shall be the chairperson of the Election Commission and vote only in case of a tie. A member of the Congressional Administration shall serve as a non-voting ex-officio officer of the committee. The membership of the Election Commission shall be posted in a public place. The Election Commission shall be responsible for conducting the election and enforcing the election rules as established by this Title.

i. **Campaign Spending.** The Election Commission shall assess spending values of donated materials following investigation of the validity of the value assigned by the candidate. The Election Commission may dispute any assigned spending value and assess new values that they find to be more accurate. Determination and confirmation of the accuracy of spending disclosure is the responsibility of the Election Commission, subject to appeal to the Superior Court.

ii. **Quorum.** A majority of the Election Commission voting members shall constitute a Quorum to conduct business.

3. **Compensation.** The authorization for compensation for the Election Commission for general and special elections shall be presented and approved or denied concurrently with the appointment of each Election Official in accordance with the SGA Code Annotated and University Policy. Final disbursement of funds shall not occur however, until Election Officials have met with an oversight committee comprised of the SGA President, Graduate Student Senate Chair, Chair of Undergraduate Congress, and four (4) members of the SGA Superior Court. If the oversight committee deems it unnecessary to convene, compensation shall occur in the defined manner. The oversight committee, if it deems necessary, must meet within seven (7) calendar days following the election to verify completion of duties set forth in the SGACA and make final recommendations on the disbursement of compensation.

a. All amounts for compensation are listed in Title X.

**Section 5: AMENDATORY:** Remove all text from Title VI of the Student Government Association's Code Annotated.

**Section 6: AMENDATORY:** A new chapter in Title VI in the Student Government Association's Code Annotated.

### **Chapter 1 – General Provisions 1. Definitions**

- a. **Campaign Spending** – The value of any products, services, or expenses incurred by the campaign. “Value” should not include any discounts, which are not available to the general

public, but should include the value of any services or products donated. This shall not include the value of any non-professional services performed by students.

- b. **Campaign Time Frame** – The time between the publishing of the Information on Candidates Booklet and the validation of the election.
  - c. **Campaigning** – Working in an organized and active way to promote a candidate as a representative of or at the directive of that candidate.
  - d. **Designated Agent** – A person chosen and registered by a candidate with the ability to represent the candidate in any official capacity.
  - e. **Election Fraud** – Any act or omission completed or attempted with the intent to deprive a candidate or voter of their rights.
  - f. **Publicly Posted** – Conspicuously posted in the SGA Office & on the SGA website under the Election’s tab.
  - g. **SGA Presidential Race** – The SGA Presidential race includes candidates for SGA President and SGA Vice President running together as one (1) ticket.
  - h. **Signatures** – Signatures required for Presidential and CAC Chair petitions may be collected physically or online. Physical signatures must include the following information: OU ID number, name, and signature. Digital signatures must include OU ID number, name, and the 4X4 username in replace of a signature; these signatures must be submitted in an Excel format.
  - i. **Unsolicited** – Any unrequested electronic message sent through an OU-maintained service (eg. OU email, Canvas, etc), for the purpose of explicitly requesting a vote or support.
2. **Applicability of Election Rules.** The policies, regulations, and stipulations in this Title shall be applicable only to candidates for positions that are named in sections four (4) and five (5) hereinafter. All other campus organizations and bodies wishing to conduct an election may individually establish procedures for that election.
3. **Purpose of Election Rules.** The provisions governing elections are intended to provide for the fairness, equitability, and efficiency of all SGA elections with respect to both candidates and voters. In the absence of established guidelines, rulings concerning elections should be made with this principle in mind.
4. **Spring General Election.** The following shall be elected in the Spring General Election:
- a. the Campus Activities Council (CAC) Chair,
  - b. Undergraduate Student Congress Representative Seats, and
  - c. the Student Bar Association (SBA) President.
5. **Fall General Election.** The following shall be elected in the Fall General Election:
- a. The SGA President and Vice-President,
  - b. Undergraduate Student Congress Representative Seats, and
  - c. the Interfraternity Council (IFC) President.
6. **Vacancies.** The SGA President shall be notified in writing of any vacancy that occurs in the positions listed in sections 4 and 5, above. If the SGA President resigns, they shall notify the Chairs

of both Houses of the Legislative Branch. The number of seats available for election shall not change after the filing period begins.

a. **Election to Fill Vacancy.** Should a Congressional Seat become vacant after filing has opened, so long as a vacancy in that district was already made public and was included on the filing form during filing for candidates to apply, that new vacant seat may be filled at the time of election using the point tabulation system. If the district was never included initially on the filing form, then that seat shall not be filled during the active general election.

b. **Appointment to Fill Vacancy.** For each position listed in sections 4 and 5 above, other than SGA President, Vice President, and CAC Chair, the organization of which the appointment is needed to be made, that organization shall determine their own appointment qualifications. Those listed in the aforementioned sentence, shall be up for election in the next possible general election.

7. **Uncontested Elections.** All positions for which one has filed for election, they must be placed on the ballot in the respective district, even if the position is uncontested. In an uncontested election the candidate must receive at least fifty percent (50%) of the lowest winning vote count of the most recent election in the district in which the candidate is uncontested in.



**Section 7: AMENDATORY:** A new chapter in Title VI in the Student Government Association's Code Annotated.

## **Chapter 2 – Election Rules**

1. **Electorate.** The electorate of the SGA Presidential and the CAC Chair races shall consist of all members of the SGA. Subject to any applicable provisions of the SGA Constitution, the Legislative Branch shall establish the electorate for all other races in General and/or Special Elections. In the absence of any guidance from the Legislative Branch, the Election Commission may adopt any rules established by the affected organization to determine the electorate for a specific race.
2. **Election Dates.** The sections below shall be the dates of the general elections, unless the Legislative Branch changes the date by an Act of the Legislative Branch at least three (3) weeks before the week of the date proposed by the legislation. The Election Commissioner shall have the power to waive this three (3) week requirement if they deem that exceptional circumstances warrant a waiver. Any special election, referendum, or initiatives shall be passed by an Act of the Legislative Branch at least three (3) weeks before the week of the date proposed by the legislation. This requirement cannot be waived.
  - a. **Fall General Election.** The Fall General Election shall be held the Tuesday and Wednesday of the eleventh (11<sup>th</sup>) academic week of the fall semester.
  - b. **Spring General Election.** The Spring General Election shall be held the Tuesday and Wednesday of the second (2<sup>nd</sup>) academic week following spring break.
3. **Deadline Requirements.** Any deadline within this Title, exception those noted, may be implicitly suspended by the Election Commissioner with the advice and consent of the Election Commission.
4. **Election Funding.** The SGA Budgetary Committee shall allocate sufficient funds in each Administrative Appropriations Act to conduct two General Elections, two (2) run-off elections and at least one (1) special election, including the compensation of all eligible Election Commission members for each election and sufficient publicity for filing and voting.
5. **Polling.** If an SGA member cannot vote through the online voting software implemented by the Elections Commission, they shall request a ballot from the Election Commission in person in the Student Life Office or over the OU maintained email service. Doing so, the SGA member shall provide their OU ID as sufficient identification. The ballot may be requested any time after the publishing of the Information on Candidates booklet and shall be sent when the online polls open. The alternative ballot must be accepted during the online polling days and normal business hours of the Student Life office. The Election Commission shall ensure that any person that used an alternative ballot cannot and did not vote more than once (1) in any election.
6. **Voter's Rights.** The following rights should not be infringed.

- a. The right of the student vote by secret ballot shall not be infringed. The right of the student to arrive at a voting decision free from undue influence shall not be infringed.
  - b. No person(s), group(s), or organization(s), regardless of their affiliation, shall require any student(s) to vote, or shall require any student(s) to vote either for or against any proposal, candidate, or candidates in any SGA sanctioned election.
  - c. Any SGA member has the right to request, in writing, a ruling of the Election Commissioner at any time during the campaign period. The Election Commissioner shall make a written ruling on any such petition within twenty-four (24) hours of its submission.
7. **Procedure for Run-off** The Presidential, SBA, IFC, and CAC race shall be popularly elected by a simple majority vote (fifty percent (50%) plus one (1) votes) of the ballots cast for that purpose. In any of the aforementioned races, should no candidate receive a simple majority vote (fifty percent (50%) plus one (1) votes), the top two candidates shall be placed on the ballot for a runoff election to occur on the Tuesday immediately following the original election date. The top vote-recipient of the runoff election shall be declared the winner.

**Section 8: AMENDATORY:** A new chapter in Title VI in the Student Government Association's Code Annotated.

### **Chapter 3 – Candidates**

1. **Filing.** Filing for general and special elections shall occur online on the Monday, Tuesday, Wednesday, and Thursday of fourth (4<sup>th</sup>) academic week before the week of the election, unless the Legislative Branch changes the dates or times by an Act of Legislation. In any case, the filing period shall run at least four (4) academic days. No prospective candidate may file for more than one (1) elected position. Filing forms for SGA elective positions shall include the following acknowledgement statement & each candidate shall sign the statement before submitting their form:

“I do hereby affirm that I am required to abide by the SGA Constitution, SGA Code Annotated, and the SGA Campaign Activity Policy. I understand that I can be disqualified from the election if I disregard the election guidelines and rules. Furthermore, University, Local, State, and Federal rules and laws take precedent; and I may be subject to all of the aforementioned jurisdictions.”

2. **Candidate Requirements.** No person may be listed on a ballot as a candidate for office unless they fulfill the requirements for candidacy listed in this section. Candidates for any SGA elected office must be in good academic standing with their respective college or department. Candidates shall complete an academic requirement form. The Election Commissioner and the SGA Staff Assistant shall verify the prospective candidate's academic eligibility before being placed on the ballot. Each candidate or their designated agent shall attend a mandatory candidates meeting.
  - a. **Candidates in SGA Presidential & CAC Races.** Candidates in the SGA Presidential or CAC Chair election shall present to the Election Commission a petition with the signatures of 20% of the total number of votes in the last corresponding election or five hundred (500) signatures, whichever is less, by the time of the filing deadline. If the Election Board determines that a petition does not have enough signatures as a result of a mistake in counting, candidates shall be allotted twenty-four (24) additional hours to collect the necessary remaining signatures to remain on the ballot. The Election Board shall not make any adverse ruling on any petition.
3. **Mandatory Candidates Meeting.** Each candidate or their designated agent shall attend a mandatory candidates' meeting. At least two (2) mandatory candidates' meetings shall be held within the Monday to Thursday immediately following the end of the filing period.
  - a. All rules shall be explained, the campaign material registration form distributed, the deadline for the campaign spending disclosure shall be announced, and the Superior Court's rules for submitting an appeal concerning electoral matters. The Congress Chair shall provide a list of the responsibilities of an SGA Undergraduate Student Congress Representative to be distributed by the Election Commissioner during the initial candidate meeting.
  - b. Candidates who do not attend the mandatory meeting shall still remain on the ballot and may be subject to an infraction in Chapter Five (5) of this Title.

4. **Candidate Withdrawal.** Any candidate may withdraw their name from the ballot any time prior to 5:00 p.m. the Friday before the election by submitting written notification to the Election Commissioner. The Election Commissioner shall verify said notification.

5. **Designated Agents.** Candidates running in the SGA Presidential and CAC Chair race must specify a designated agent. Candidates not running in those races may specify a designated agent on the filing form. Designated Agents shall have the ability to represent the candidate in any official capacity. No Designated Agent may be a candidate for any race during the same election, nor may they be an elected or appointed member of the Legislative, Executive, or Judicial Branch of SGA.

6. **Infractions.** All candidates shall be subject to any points as allocated by the Elections Commission, outlined in Chapter 5 of this title.

**Section 9: AMENDATORY:** A new chapter in Title VI in the Student Government Association's Code Annotated.

### **Chapter 4 – Campaigns**

1. **Campaign Material Registration.** The Office of Student Affairs shall be notified of all SGA campaigning before any campaigning takes place via the Election Commissioner's prescribed method. Failure to complete the campaign material registration form that is provided by the Elections Commissioner will disallow candidates from all but oral campaigning and the Information on Candidates Booklet. On or off campus, candidates may only use types of campaign materials listed on their campaign material registration form. Candidates who wish to have SGA print their campaign materials must submit a request for printing as part of their Campaign Material Registration.

2. **Campaign Time Frame.** Prior to the official campaign period, prospective candidates may begin recruiting campaign staff and/or establishing but not publicizing a campaign internet site. The Election Commissioner is responsible for ensuring that campaign material registration is open for candidates within two (2) business days of the end of the filing period. Candidates may register for materials prior to the official campaign period. If candidates have not received notification of denial of their campaign materials registration from by the Election Commissioner within one (1) business day, then candidates may proceed with campaigning described on the submitted form. Only after the publishing of the Information on Candidates Booklet, may candidates begin campaigning.

### **3. Campaign Finance**

- a. There shall be an upper limit placed on all campaign spending. The spending limit shall be established at five hundred dollars (\$500) for each SGA Presidential, CAC Chair, IFC Presidential, and SBA Presidential ticket, and fifty dollars (\$50) for each Student Congress Representative candidate. A candidate may not expense in excess of the spending limit, and a candidate must not accept donations in excess of the spending limit value. For only the weeks which a run-off election is held, candidates may spend an additional twenty percent (20%) of the previously allotted figure.
- i. Campaign contributions are limited to one hundred dollars (\$100) per entity including organizations and individuals excluding self-funding from the candidate.
- b. All campaign spending, and donations must be accounted for. The Elections Commissioner shall provide standardized forms for this purpose.
- c. By 5:00 p.m. on the Monday of the week preceding an election and the day after an election (including all runoff elections), all candidates must file financial reports that include:
  - i. an Expenses Report which must list and briefly describe the expenses and receipts incurred by or on behalf of the reporting candidate up to the reporting date;
  - ii. a Donations Report which must describe all donations that a candidate has received including, but not limited to, cash, cash-equivalents, and non-cash tangible items; and
  - iii. a statement attesting to the validity of the reported information, signed by the candidate or their Designated Agent.
- d. The Election Commission shall review each set of financial reports to verify that the information provided is complete and accurate. The Election Commission shall also determine whether any spending limits have been violated. In making this determination, the Election Commission shall have full authority to resolve any questions concerning the retail value of

goods and services not evidenced by receipts or other verified documentation. All expenses and donations must be listed at fair market value.

e. Budgets from two (2) or more candidates may not be combined in any way. Any campaign material promoting more than one (1) candidate must be expensed at actual cost or fair market value, depending on the appropriate circumstance, by each candidate named.

f. Candidates must list the entire cost of each individual expense that results in campaign material that in any way suggests support for their candidacy. There shall be no prorating of costs to account for unused campaign items which were purchased.

g. All expenses incurred by a campaign, including those offset by monetary and/or in-kind donations to the campaign, count as campaign expenses and must be reported in the campaign expense reports. Donations to a campaign do not alter the upper limit for campaign spending; moreover, campaigns must not accept donations in excess of the dollar value of the campaign spending limit. All unspent cash donations and any unused tangible, material donations must be returned to the donor no later than 5:00 p.m. on the Friday following validation of the election.

#### **4. Campaign Material Printing**

a. Candidates have the option to request printed materials from SGA. SGA must facilitate the purchases of printed materials for campaigns through OU Printing Services and incur the associated costs.

b. The costs of these printed materials should be counted towards the requesting candidate's spending limit and must be reported on that candidate's Expense Report.

c. The Election Commission shall develop and present a budget for campaign material printing and give this to the SGA Budgetary Chair in a timely manner before the beginning of the Primary Funding Process.

d. The Election Commission shall work with OU Printing Services to compile a list of materials and the costs of those materials that candidates may purchase for the campaign.

e. Publicly funded campaign materials must say, "Printing funded by SGA, however this is not an official SGA endorsement."

5. **General Campaign Rules.** Candidates must ensure that every individual campaigning on behalf of the candidate or volunteering for the candidate is aware of campaign rules and guidelines. All campaign rules apply to all campaigning activity, regardless of whether the activity takes place during the designated campaign time frame or prior to that period. Candidates shall be liable for the campaign infractions of their campaigners and volunteers even if the candidate did not specifically direct the offending action. Candidates may be assessed points if their campaigners or volunteers are found to be guilty of breaking campaign regulations. Some of these rules are university policies. The following infractions shall be assigned with the proceedings in Chapter 5 of this title.

a. **Class A Infractions.** The following infractions shall be considered "Class A Infractions," which the Election Commission shall assign a candidate no less than two (2) and no more than three (3) points for each.

i. Campaigns shall not remove, alter, cover, obscure, chalk within, or otherwise tamper with another candidate's campaign materials nor shall they damage any University property. They shall be responsible for any damage caused by that said candidates' campaign materials.

ii. Employees of the University shall not campaign for candidates while on duty as an employee, however, they may campaign while off duty.

iii. On the day of voting, if an individual affiliated with a campaign approaches a student while voting, the individual may not encourage the student to vote in a particular way.

iv. Candidates or their Designated Agent's failure to attend the candidates meeting.

**b. Class B Infractions.** The following infractions shall be considered "Class B Infractions," which the Election Commission shall assign a candidate between 1 and 2 points for each.

i. Candidates shall not campaign outside of the designated campaign time frame through ways not already provided for in this Title.

ii. Candidates shall not campaign or post candidate information or advertising on any website hosted or operated by OU IT other than the official candidates' statements (this is excluding the Information on Candidates booklet). iii. Candidates shall not unduly disrupt the normal activities of the University, including but not limited to classes, lectures, or events sponsored by the University or any Registered Student Organization; furthermore, they cannot interfere or impede the regular operations of any sidewalk, bike lane, roadway, parking lot, or parking garage.

iv. Candidates shall not post campaign materials in or on a CART vehicle.

v. Candidates shall not use or distribute campaign stickers.

vi. Incorrect/incomplete reports, as determined by the Election Commission, must not be accepted.

vii. Any infraction of the rules of the "Campus Housing" section hereafter.

viii. Candidates may not post any campaigning material inside an academic classroom nor shall they disrupt the any instructional times without prior permission from the instructor. ix. No campaign materials may be posted in or

on the Oklahoma Memorial Union or any University library.

x. Each candidate shall be responsible for the removal of their campaign material from public areas and buildings by 4:30 P.M. on the day following the validation of the election.

**c. Class C Infractions.** The following infractions shall be considered "Class C Infractions," which the Election Commission shall assign a candidate between .5 and 1.5 points for each.

i. All campaign material shall be accredited to the sponsoring candidate. Said material shall include the following phrase: "Approved by [said sponsoring candidate]." No other phrase is acceptable. ii. Candidates shall not send any unsolicited electronic messages via platforms funded and maintained by the University (i.e. OU email, Canvas, etc). This does not include messages sent over non-maintained platforms (third-party group chats, social medias, etc.).

iii. Only dry chalking is allowed on sidewalks. Paint, tape, and wet chalk are prohibited on sidewalks, as is chalking on any vertical surface (buildings, steps, sides of ramps, etc.) or under overhangs.

1. Non-President & CAC Chair candidates may chalk in any location that has not been reserved for a President or CAC Chair campaign.

2. Non-President & CAC Chair candidates may only use only yellow and/or white dry chalking, while President & CAC Chair candidates may use any colors.

iv. Candidates shall not use the letterhead, logo, or any symbol that the University of Oklahoma or any affiliate (i.e. OU Athletics) that has a trademark, license or other legal control of. No Candidate may display the logo of the Student Government Association, any branch of the Student Government Association, or program of the Programming Branch. Only the registered leadership of RSOs may file a grieves for their logo or likeness if the candidate has not gained the permission of the RSO to use their logo or likeness.

- v. The Election Commissioner and Election Commission members have the right to solicit the names of all members of a campaign from the affiliated candidate.
  - d. Candidates shall abide by all University policy which supersedes any Election Commission mandate.
6. **Additional Campaign Rules for Specific Areas.** Unless explicitly stated otherwise within this Title, all campaigning or campaign material in private or public areas must have the expressed written consent of the property owner or authorized agent.
- a. **Campus Housing.** Subject to the General Campaign Rules and other exceptions herein, all campaigning or campaign material in or on Campus Housing requires the expressed consent of the local Center Coordinator, whose decisions shall be uniform for all candidates.
    - i. Campaign materials may be posted inside a resident's window with the expressed consent of that resident.
    - ii. Distribution of printed literature, under doors, and door-to-door campaigning is only permitted from 12:00 noon to 9:00 P.M. iii. Candidates may campaign in lounges during visitation hours unless prohibited or otherwise regulated Housing & Food rules.
  - b. **Outdoor Campus Areas.** Only candidates running for SGA President or CAC Chair are allowed to place stake signs (maximum dimensions of each sign are 16" by 18") on campus. Said signs may be displayed at the edges of ground cover beds, shrub beds, and/or turf areas (not in flower beds). Installation must be accomplished without damaging or disturbing landscaping. Before staked signs may be installed, the Election Commission shall mark staked signs with a differentiating mark, stamp, or tag. All staked signs not containing this mark, stamp, or tag are prohibited.
7. **Rule Violation Complaints Filed in Good Faith.** Should the Election Commission believe that a complaint was filed without an objective belief that the alleged misconduct violated a rule under this Title, the Commission may vote to make the complaint an Unofficial Election Notification.



**Section 10: AMENDATORY:** A new chapter in Title VI in the Student Government Association's Code Annotated.

### **Chapter 5 – Oversight and Enforcement**

1. **Campaign Rules Infractions.** All complaints regarding violations of SGA campaign rules shall be submitted in writing to the Election Commission within five (5) days of the incident which generated the complaint or within twenty-four (24) hours of the close of the polls – whichever is sooner. The Election Commissioner shall notify all affected parties of any grievance and allow the accused twenty-four (24) hours to submit a written response or request an oral hearing. The Election Commission shall make a ruling within one (1) business day after the accused has either made a written statement, after the oral hearing, or if they failed to submit either within the twenty-four (24) hour period. The Election Commissioner may not impose any points without the aforementioned hearing process.

a. The Election Commission, upon making a decision, shall compose a short-written opinion detailing the facts upon which its decision rests, what punishments will be imposed, and what reasoning was used to determine said punishment. Dissenting members of the Commission shall issue their own, separate opinion. All opinions must be made publicly available within twenty-four (24) hours of the decision of the Commission.

b. The Election Commission shall assign each campaign infraction upheld against a candidate a certain number of points. The range of each is specified within this Title. In considering the amount of points to assign for any given campaign infraction, the Election Boar shall consider:

i. the severity of the rule violation,

ii. whether the candidate has prior violations of that particular rule,

iii. whether the candidate knowingly or negligently violated the campaign rule, and iv. the effect which the campaign rule violation may have had on the campaign, on other candidates, and to the campus as a whole.

c. The Election Commission may not assign points at any level other than whole numbers or half-integers.

d. In addition, assigning a certain number of points to a campaign for rule infractions, the

Election Commission shall determine a punishment appropriate to impose on the candidate. The Election Commission may not decide to forgo a sanction upon finding that a campaign had indeed violated a campaign rule. The Election Commission may impose only one (1) punishment per individual campaign infraction. The punishments the Election Commission may impose are as follows:

i. Once a campaign has been assigned at least three (3) points, the Election Commission may temporarily or permanently prohibit a candidate from chalking within their designate chalking zone.

ii. Once a campaign has been assigned at least five (5) points, the Election Commission may temporarily or permanently prohibit a candidate from posting staked signs on campus, or impose one of the punishments described above.

e. The Election Commissioner's rulings shall be considering binding on elections until overturned by the Superior Court and these rulings shall not be subject to being overruled by an Opinion of the General Counsel. The Election Commissioner shall not make any unilateral rulings regarding alleged campaign infractions, as this power is reserved for the Election Commission. A request for a ruling from the Election Commissioner does not toll any applicable statute of limitations listed elsewhere in this title, nor does it create a new charge or cause of action for an incident for which the statute of limitations has already run.

2. **Disqualification.** The Election Commission shall vote on disqualification and removal of any candidate or ballot initiative when the candidate or proposing entity:

- a. requests removal from the ballot in accordance with the provisions of this title;
- b. fails to turn in a properly completed filing application on time;
- c. fails to meet the eligibility requirements;
- d. campaign expenditures exceed ten percent (10%) of spending cap for the specified race;
- e. is assigned five (5) or more points by the Election Commission for violation of campaign rules, and every time thereafter a candidate receives a point over seven (7); or
- f. contemptuously fails to adhere to a sanction imposed on them by the Election Commission, pursuant to this chapter.

3. **Disqualification Votes.** All disqualifications shall be voted on by the Election Commission and said rulings shall be publicly posted. The Election Commissioner shall notify all affected candidates or proposing entity by OU email. All disqualifications are subject to appeal to the Superior Court. If an appeal is submitted within five (5) days of the Election Commission's ruling and at least twenty-four (24) hours before the election, candidates shall remain on the ballot until the Superior Court hears the appeal.

- a. Under no circumstances may margin of victory or the number of votes received by a particular candidate be used by the Election Commission in their consideration of whether or not to disqualify a candidate.

4. **Unofficial Notification Process.** The Election Commissioner shall make an electronic form available for the duration of any election that any member of the SGA may use to submit election irregularities or other matters they would like the Election Commissions to be made aware of. The form shall allow respondents to remain anonymous if they so choose. Candidates shall be encouraged to use this in lieu of a rule violation complaint for complaints that lack sufficient evidence, and all form submissions shall be made public at the conclusion of the Election via the Election Report. Should an unofficial notification be filed that the Election Commissioner believes would more properly be considered an election complaint, it shall be dealt with as such. Following the validation of the election, the Congressional Administration Committee of the Undergraduate Student Congress shall hold a hearing to review all unofficial election notifications submitted during the election to determine if action should be taken to remedy any irregularities or other complaints detailed therein.

5. **Unofficial Election Results.** The Election Commission shall meet within twenty-four (24) hours of the close of the polls to certify the election results. The unofficial election results shall be publicly posted, and the Election Commissioner shall distribute said results to all candidates by OU email.

6. **Election Report.** The Election Commissioner shall also prepare an Election Report which shall be submitted to the SGA President, the Superior Court, the Undergraduate Student Congress, the Graduate Student Senate, the General Counsel, the OU Daily, and to all candidates in the election.

The Unofficial Election Report shall include:

- a. the total number of votes cast for each candidate, ticket, or ballot item;
- b. rulings of infractions; and

- c. information about any election problems or irregularities.
- d. At their discretion, the Election Commissioner may also include any other appropriate information pertaining to the Election.
- e. The Election Commissioner must redact the personal information of the person that submitted any campaign infractions on the online portal. The report may only include their name.

7. **Appeals.** All appeals of the rulings of the Election Commission must be submitted in writing to the Chief Justice of the Superior Court within five (5) business days of the incident or ruling which generated the appeal or within three (3) business days of the close of the polls – whichever is sooner.

The Superior Court shall provide copies of all appeals relating to the election to the General Counsel, the Election Commissioner, and all other affected parties. The General Counsel, the Election Commissioner, and all affected parties shall have at least forty-eight (48) hours to file a written response. The Superior Court may also schedule oral arguments at its discretion – provided that it affords the General Counsel, the Election Commissioner, and all affected parties the opportunity to address it. If any of these parties chooses not to complete the aforementioned process, then Superior Court proceedings shall not be delayed. The Election Commission shall not be able to hear appeals of its own decisions. The deadlines in this section are amendable at the request of any party with approval of the Superior Court.

8. **Election Fraud.** All complaints regarding election fraud shall be submitted in writing to the Office of the General Counsel within three (3) business days of the close of the polls. The General Counsel shall review all complaints and determine whether there is sufficient cause to warrant formal charges. If the General Counsel decides to press formal charges, they shall notify the affected election official, collect all available evidence and testimony, and prosecute the offender in front of the Superior Court. The General Counsel shall make all decisions regarding whether they wish to press formal charges within five (5) business days of the incident which generated the charges or within three (3) business days of the close of the polls.

9. **Superior Court Rulings.** All rulings shall be publicly posted, and the Superior Court shall distribute the ruling to all candidates by e-mail.

10. **Election Validation.** The Superior Court shall meet on the fourth (4<sup>th</sup>) business day after the submission of the Election Report to consider the validation of the election. If there is any case pending before the Superior Court relating to the election, the timeline shall be suspended until the Court rules on the pending matter. Upon issuance of a ruling the aforementioned timeline shall resume. During validation proceedings there shall be a presumption of administrative regularity unless clear and convincing evidence is presented to the contrary.

- a. The Superior Court shall not be permitted to raise any issues pertaining to the election sua sponte. It shall only invalidate the election in accordance with the standards set forth in this title based upon issues expressly and specifically raised in an official complaint or appeal considered and ruled upon prior to validation proceedings.
- b. If the Superior Court fails to rule whether the election is valid or not valid within seven (7) business days of the close of the polls, the election shall be considered valid – subject only to the basis of claims arising explicitly from provisions of the SGA Constitution. In the event that questions may arise from any election which the Superior Court may need to decide before validating the results of the election, or in the case of a runoff election, the Superior Court may validate the results of all completed races independently of those races which it decides are not ready for validation.

c. Upon the validation of the election, the Election Commissioner must send the election results to all Norman Campus students via an OU Mass Mail (OUMM) within forty-eight (48) hours of the validation. They may only send which candidate won which position.

11. **Standing.** With the exception of issues raised by the General Counsel and the Election Commissioner, the Superior Court shall not hear any matter relating to an election unless the petitioner first shows:

- a. a distinct and palpable injury to himself or herself;
- b. that the injury is caused by the challenged activity; and
- c. that the injury is apt to be redressed by a remedy that Superior Court is able to grant.

12. **Rules of Law.** In rendering decisions relating to elections, the Superior Court shall cite the specific constitutional, statutory provisions, or the previous precedents that it is applying. All opinions of the

Superior Court shall contain

- a. a succinct statement of the conclusion or holding;
- b. a statement of the applicable rule of law;
- c. an explanation of the rule of law;
- d. an application of the rule to the facts of the dispute; and
- e. a brief restatement of the conclusion or holding.

13. **Grounds for Invalidation.** The Superior Court shall not enjoin or invalidate an election unless there is clear and convincing evidence that the true will of the voting public is not reflected. To set aside an election, there must be gross fraud which leaves the intent of the voters in doubt or irregularities in the conduct of the election of such nature as to affect the result. The wrongs against the freedom of election must have prevailed, not slightly or in individual cases, but generally and to the extent to render the result doubtful.

14. **Penalties.** The Superior Court shall have no authority to disqualify any candidate except when confirming a decision of the Election Commission. Weighing the gravity and intent of each incident, the Superior Court may confirm, overturn, or reduce any points imposed by the Election Commission. The Superior Court shall have no power to impose any other points except those based upon issues raised in an official complaint or appeal. It shall report such findings to Student Affairs for possible disciplinary action. It shall also report such findings to the Congressional Administration Committee of the Undergraduate Student Congress so that that body may initiate censure and impeachment proceedings as appropriate.

15. **Congressional Administration Committee Oversight.** Upon the validation of the election by the Superior Court, the Election Commissioner must schedule an oversight meeting with the Congressional Administration Committee. They shall present to the committee the Election Report, unofficial notifications, and other documents requested by the Congressional Administration Committee Chair.

16. **Violations of Federal, State, and Local Law.** Although all candidates and election officials are expected to comply with all applicable federal, state, and local laws, nothing in this title shall be misconstrued so as to create a charge or a cause of action under which a candidate may be

punished, fined, or disqualified by any SGA official, board, commission, or court. Remedy for such actions must be pursued through the appropriate federal, state, or local authorities.

17. **Violations of the University Rules and Policies.** Although all candidates and election officials are expected to comply with all of the university's rules and policies, nothing in this title, unless explicitly stated, shall be misconstrued so as to create a charge or a cause of action under which a candidate may be punished, fined, or disqualified by any SGA official, board, commission, or court. Remedy for such actions must be pursued through the appropriate university authorities.

**Section 11:** AMENDATORY: Title I, Chapter 2, Section 7, Subsection C of the University of Oklahoma's Student Government Association's Code Annotated is amended as follows:

**C. High Offices of the Judicial Branch.** The high judicial offices of the SGA shall be as follows: Members of the Student Superior Court; Members of the Student Parking Appeals Board; SGA General Counsel; SGA Associate General Counsels; Election ~~Chair~~ Commissioner; and Election ~~Board~~ Commission.

**Section 12:** AMENDATORY: Title II, Chapter 1, Section 7, Subsection C of the University of Oklahoma's Student Government Association's Code Annotated is amended as follows:

**C. Presence at Legislative Meetings.** The subject(s) of the advice and consent legislation pertaining to Superior Court, General Counsel, Election ~~Chair~~ Commissioner and Election ~~Board~~ Commission, and Parking Appeals Board must be present at the Undergraduate Student Congress and Graduate Student Senate meetings in which the legislation is being considered.

**Section 13:** AMENDATORY: Title X, Chapter 5, Section 2, of the University of Oklahoma's Student Government Association's Code Annotated is amended as follows:

- Election ~~Board Members~~ Commission Staff: up to 5 per election, ~~\$40~~\$50x5 persons x 2 general elections; plus, if needed, \$20x5 people for any runoff or special election (up to three of the aforementioned)
- Election ~~Chair~~ Commission: ~~\$350~~ \$500/Spring General Election, ~~\$350~~ \$500/Fall General Election; plus, if needed, \$50 for any runoff or special election (up to three of the aforementioned)
- Election ~~Poll Operators: 20 Individuals per election, \$20x20x 2 elections. Election Board Members, Chair, and Poll Operators are appointed according to the Elections Procedures Act.~~

**Section 14:** This act shall become effective (1) when passed in accordance with the SGA Constitution.

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Submitted on a Motion by:  
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