LEGISLATIVE STEERING COMMITTEE

BILL #__ FA_2015-005 ___________ FALL 2015 SESSION

☐ CONSTITUTION
■ BYLAW

LEGISLATIVE ACTION

Introduced by: Elections Committee

Legislative Steering Committee Readings: 1

LSC Action:

- (Election Code): Recommendation to accept all proposed changes except for section 5, Article F:

  Leave it as "The Candidate" rather than changing to "Candidates." Since this refers only to the Presidential election and instead of both the Presidential and Council Chair elections.

As written in Bylaws:

Section 2.

A1-D on page 50? This cite doesn’t make sense. (2)(A)(1)(a) ??

A candidate may withdraw from the election and be removed from the ballot if they submit a notice of withdrawal to the Election Committee at least three (3) academic days before the start of the election. In the event of a candidate withdrawal, the Elections Committee must notify IT to change the ballot and then post written notice of the change.

A-4. A GPSA member may run as a write-in candidate for the office of GPSA President or Council Chair after the candidacy form deadline, if they turn in the required candidacy forms and are deemed eligible before the end of the election.

a. Write-in candidates will not be named on the ballot and will not appear on official GPSA Elections Committee flyers or advertisements.

b. Write-in candidates must follow the same regulations for campaigning as candidates who submitted before the deadline.

c. In the event that a write-in candidate wins the election by plurality vote and is deemed ineligible, the position shall go to the candidate with the next highest number of votes.

Section 3.

Notice of Elections

Please attach bylaw or constitutional changes behind this document.
DATE: December 15, 2015

TO: Nasha Torrez, Associate University Counsel

FROM: Hilary Wainwright, GPSA Council Chair

RE: GPSA Constitution or Bylaw Revision

cc: Debbie Morris, Director, Student Activities Center

Constitution: or Bylaws:

Bill No: FA 2015-005 Code: Election Code

Article: IX Section: numerous Item:

Rationale for the above referenced bill:

Allowing for new options for advertising since the Daily Lobo no longer prints daily. Addresses withdraws by candidates and write-in candidates which previously were not covered by the By Laws.

------------------------------------------------------------------------------------------------------------------------

FOR UNM LEGAL COUNSEL USE ONLY

In accordance with UNM Regents Policy Manual Section 4.1, I have reviewed the above-mentioned legislation and I offer the following comments.

1. The above-mentioned legislation is proper as to form and is consistent with applicable law and regulations. Accordingly, the University Counsel Office approves this amendment to the GPSA Constitution/Bylaws.

2. □ The above mentioned legislation cannot be approved be the University Counsel Office in its current form for the following reasons:

3. □ The above-mentioned legislation is proper as to form and is consistent with applicable law and regulations. Accordingly, the University Counsel Office approves this amendment to the GPSA Constitution/Bylaws. I do, however, have concerns about the following issue(s) and bring them to your attention for consideration before including this legislation in the GPSA Constitution/Bylaws.

________________________________________ Nasha Torrez, Assistant University Counsel
Notice of all elections entails at least one (1) advertisement in the Daily Lobo, or with an alternative but equivalent method.

See 3.C.D.E.F.G.H

The Elections Committee shall issue a “Call for Candidates and Ballot Items” no fewer than five (5) academic weeks prior to the general election. The Call for Candidates and Ballot Items shall include a list of elected offices in GPSA and procedures for submitting items to the ballot via Council or referendum. This notice shall be posted according to the Public Notice Requirements along with an advertisement posted in the Daily Lobo, or with an alternative but equivalent method.

Section 5; B, D3, E, F
Section 8.a
Section 11.b

Bylaw Page Numbers: 50, 51, 52, 54, & 55.

Council Reading: □
Council Action: passed

EXECUTIVE ACTION

☐ APPROVED

[Signature]
GPSA President

[Date]

☐ UNSIGNED BY THE PRESIDENT ON THIS ___________ DAY OF ________ 2015. BILL AUTOMATICALLY BECOMES LAW.

☐ VETOED

__________________________
GPSA President

[Date]

LEGISLATIVE RESPONSE

VETO OVERRIDE VOTE TAKEN
COUNCIL ACTION:

Please attach bylaw or constitutional changes behind this document.
X. Elections Code

Section 1. Referenda

A. All referendum items are submitted to the Elections Committee via the Elections Chair or the
GPSA Office. (VIII.A.B.)
B. The party submitting the referendum item shall identify its level of authority as one of the
following: Constitution, Bylaws, Resolution, or Election.
C. The ballot shall preserve the language in which referendum items are submitted.

Section 2. Candidate and Voter Eligibility

A. An eligible candidate for the office of President or Council Chair shall be a GPSA member.
B. Candidates file for an election by turning in completed Candidacy Forms to the GPSA Office
by 5:00 p.m. on the Wednesday of the third (3rd) academic week prior to the election.
   a. Candidacy Forms shall entail an autobiography, an eligibility form, an application
      for candidacy, and a campaign contributions statement.
   b. Candidacy Forms shall be forwarded immediately to the Student Activities Center
      for certification. A list of certified candidates will be posted in accordance with the
      Public Notice Requirements.
   c. The Elections Committee shall determine eligibility and announce candidates by
      5:00 p.m. the academic day following the application deadline. Candidates shall be
      considered valid if the proper forms were completed and all eligibility requirements
      were met.
   d. A candidate may withdraw from the election and be removed from the ballot if they
      submit a notice of withdrawal to the Election Committee at least three (3) academic
      days before the start of the election.
   e. In the event of a candidate withdrawal, the Elections Committee must notify IT
to change the ballot and then post written notice of the change.

2. A candidate is ineligible to run for President or Council Chair if winning the election would
result in holding both offices for any period of time.

3. To be eligible to take office as President or Council Chair, a candidate must have met the
Graduate Studies office's requirements for Graduate Assistantship eligibility for at least two
consecutive semesters, including the semester of the election. Where the GPA requirement
should reflect academic good standing for the respective department.

4. A GPSA member may run as a write-in candidate for the office of GPSA President or
Council Chair after the candidacy form deadline. If they turn in the required candidacy forms
and are deemed eligible before the end of the election.
   a. Write-in candidates will not be named on the ballot and will not appear on official
      GPSA Elections Committee flyers or advertisements.
   b. Write-in candidates must follow the same regulations for campaigning as candidates
      who submitted before the deadline.
3-c. In the event that a write-in candidate wins the election by plurality vote and is
deemed ineligible, the position shall go to the candidate with the next highest number
of votes.
B. An eligible voter for an election must be a GPSA member. Voters may cast only one vote per
item in a given election.
1. The Elections Committee shall arrange for a list of GPSA member NetIDs to be obtained
from the Registrar’s Office and delivered to Information Technologies (IT).

Section 3. Notice of Elections

A. Notice of all elections entails at least one (1) advertisement in the Daily Lobo, or with an
alternative but equivalent method, no later than fifteen (15) academic days prior to the election
for candidates and no later than five (5) academic days prior to the election for ballot items sent
to the GPSA electronic mailing list.
B. The Elections Committee will use a UNM email account and set up an elections electronic
mailing list through IT during the first (1st) week of September and of February.
C. The Elections Committee shall issue a “Call for Candidates and Ballot Items” no fewer than five
(5) academic weeks prior to the general election. The Call for Candidates and Ballot Items shall
include a list of elected offices in GPSA and procedures for submitting items to the ballot via
Council or referendum. This notice shall be posted according to the Public Notice Requirements
along with an advertisement posted in the Daily Lobo, or with an alternative but equivalent
method.
1. The written notice shall also include any steps necessary for a student to vote.
2. This notice must be one quarter (1/4) of a page advertisement appearing for three (3)
consecutive issues of the Daily Lobo. Once published, this information may not be changed
or altered except to correct any errors in printing.
3. Any correction of printing errors shall be printed in three (3) consecutive issues of the Daily
Lobo.
4. This advertisement shall carry personal, professional, and/or platform information for
candidates, information regarding amendments, and any other items to be voted upon in
the election.
5. The full text of Constitutional Amendments shall be included. If the text is larger than one
quarter (1/4) page, a summary shall be included as well as notice of how to obtain complete
text.
6. The advertisement shall include the method and hours of electronic voting.
7. Special Elections may have one (1) page advertisement.
8. The format of candidate forums will be determined by the Elections Committee and
distributed to the candidates one (1) academic day prior to the forum(s).

Notice of a Recall Election must occur within five (5) academic days of notice to the Elections
Committee from Council.
1. The written notice shall also include any steps necessary for a student to vote.
2. This notice will be one quarter (1/4) of a page advertisement appearing for three (3)
consecutive issues of the Daily Lobo, or with an alternative but equivalent method. Once published,
this information may not be changed or altered except to correct any errors in printing.
3-0. Any correction of printing errors shall be printed in three (3) consecutive issues of the Daily
Lobo.
1. Notice shall include instructions for running for President, the application deadline, and any steps necessary for a student to vote.

2. This notice will be one quarter (1/4) of a page advertisement appearing for three (3) consecutive issues off the Daily Lobo or an alternative but equivalent method. Once published, this information may not be changed or altered except to correct any errors in printing.

   0. Any correction of printing errors shall be printed in three (3) consecutive issues of the Daily Lobo.

1. Notice shall include any steps necessary for a student to vote.

2. This notice will be one quarter (1/4) of a page advertisement appearing for three (3) consecutive issues off the Daily Lobo. Once published, this information may not be changed or altered except to correct any errors in printing.

3. Any correction of printing errors shall be printed in three (3) consecutive issues of the Daily Lobo.

Section 4. Campaigning

A. Candidates shall conduct campaigns in a manner which abides by university and GPSA policies and guidelines in their pursuit of office. Members of the Elections Committee shall refrain from actions that would show favoritism for or have a negative effect against any candidate or issue that might appear on the ballot.

B. Candidates shall submit, along with the Candidacy Forms, a list of authorized campaign committee members that may act on their behalf. Any changes to this list should be updated with the Elections Committee.

C. Candidates shall sign the Campaign Contribution Statement: “All funds received and spent will be from members of the UNM GPSA and no other sources.” This form shall be submitted as part of the Candidacy Forms.

D. Candidates shall submit an itemized accounting of all expenditures incurred by the candidate in the pursuit of office before 5:00 p.m. on the closing day of the election.

E. All candidates shall refrain from using GPSA resources in pursuit of office (including, but not limited to: funds, staff, email addresses, printing, electronic mailing lists, and office space).

F. If any group decides to establish a physical polling location, campaigning is not allowed within twenty-five (25) feet of the physical polling location. Campaigning includes, but is not limited to, signs, fliers, and campaigners. Polling locations, if any, should be placed in areas with minimal distractions.

Section 5. General Election

A. The election shall take place Monday through Thursday of the first (1st) full academic week of April, unless otherwise decided by Council. The electronic voting shall begin at 8:00 a.m. on the first (1st) day and end at 5:00 p.m. on the last day of the election.

B. Any ballot items included in the election shall be approved by Council at the regularly scheduled March meeting or through referenda. (VIII)

C. Elections shall be conducted electronically and use a computer- or phone-based system that is managed by IT.

D. Ballots and Voting:

   1. Ballots shall have a randomly ordered list of candidates and clear instructions for marking and submitting one’s vote. Provision for write-in votes shall be included on the ballot. Only
cast ballots meeting these requirements shall be counted. Votes cast on partially completed
ballots shall be counted.
2. All ballot items shall appear on the ballot with the language received by the Elections
Committee.
3. Polling: Voters must log in with the LNJM user-name NetID and password on record with the
Registrar’s Office to cast a ballot.
E. Two (2) members of the Elections Committee shall retrieve the final vote count from IT using
the electronic voting system.
F. The Candidate elected to office shall be determined by a plurality of votes cast and each other
ballot item shall be determined by a majority of votes cast on each item.
G. Should the plurality winner of the GPSA General Election be declared ineligible or unable to
assume office for any reason before the certification of the election results, or in the case of a tie,
or if the Elections Committee votes not to certify an election, a special Council meeting shall be
called so that a Special Election can be scheduled.
H. The Elections Committee shall approve the results of a General Election after it has been
determined to have been conducted in accordance with the GPSA Constitution and Bylaws.

Section 6. Council Chair Election

A. Only Council Representatives with credentials on file twenty (20) academic days prior to the
Council meeting at which the Council Chair election will be held are eligible to vote in the
election.
B. The Election Committee shall prepare a sign-in roster of eligible voters.
C. Ballots shall have a randomly ordered list of candidates and clear instructions for marking and
submitting one’s vote. Provision for write-in votes shall be included on the ballot. Only cast
ballots meeting these requirements shall be counted.

1. Voting shall be conducted by secret ballot and individual voting results by Council
Representatives are not to be recorded.

D. The Election shall proceed as follows:

1. The current Council Chair shall forward all valid proxies to the Elections Committee Chair or
the Elections Committee designee before balloting begins.
2. The President shall call and preside over the Council Chair election. In the President’s
absence, an individual who is not a Council Representative, Certified Alternate, or
recognized Proxy shall preside over the election.
3. Each candidate shall give a speech, no longer than five (5) minutes, and shall have up to five
(5) minutes to answer questions posed by Council. The order of the speeches shall be
determined randomly by the Elections Committee. Candidates do not have to leave the room
throughout the election.
4. When all of the speeches have concluded, the Elections Committee shall inspect and verify
that the ballot box is empty and secured.
5. Any of the candidates who are Council Representatives shall be called forward first to sign
for and cast a ballot. They shall then retire to the back of the room and no more campaigning
shall be allowed.
6. The remaining voters shall be called forward according to the alphabetical listing of their
RDSAs. Upon signing in, each voter shall receive and cast a ballot into the ballot box.
7. After the name of the last voter has been called, the names of voters who did not come forward will be repeated. Five (5) minutes after the last name has been called, the vote counting shall begin.

E. Vote Counting
1. Only the members of the Elections Committee shall open the ballot box, determine the validity of ballots cast, tally the ballots cast, and certify the election results.
   a. A discrepancy between the number of ballots cast and the number of signed voters may be grounds for disqualification of the box of ballots.
2. The election of the Council Chair shall be decided by a plurality of the votes cast. Should the winner of the Council Chair Election be declared ineligible or unable to assume office for any reason, or in the case of a tie, or if the Elections Committee votes not to certify the election, the Elections Committee shall notify Council before the end of the meeting. Council can vote to repeat the process or determine another course of action. The results of an election shall be determined by the end of the Council meeting.

Section 7. Other Types of Elections

A. Recall Elections
1. A recall election is defined as the vote for recall of the President and is the result of one or more of the following conditions:
   a. Petition by GPSA members in accordance with the GPSA Constitution.
   b. Successful vote of removal by Council.

B. Special Elections
1. A Special Election shall take place in any of the following circumstances:
   a. Resignation of the President or Council Chair.
   b. Successful recall vote resulting in removal of the President.
   c. Successful Council vote of removal of the Council Chair.
   d. In a Presidential election, if the election is not certified, the winner is declared ineligible or unable to assume duties, or there is a tie.
   e. Granting of a petition submitted to a Council meeting for a Special Issue vote by the GPSA body. Only items granted on the petition shall be allowed on the ballot.
   f. Special Elections follow General Election rules except where noted.

Section 8. Recall Election by GPSA Membership

A. Upon receipt of the recall petition or a Council vote of removal, the Elections Committee shall initiate a recall election. (R-A-D.3.a.s.)
1. When the President is removed in a Recall Election due to a petition received after the regularly scheduled March Council meeting, no Special Election for Presidential Replacement is required.
2. The Recall Election should occur by electronic voting over two (2) consecutive academic days.
   a. Voting shall open at 8:00 a.m. of the first day of the election and close at 5:00 p.m. on the following day.
   b. The Elections Committee shall approve the results of a GPSA election after it has been determined that all provisions of the current GPSA Constitution and Bylaws were followed.
A. An election may be challenged by any GPSA member to the Court of Review. Challenges include, but are not limited to, voter fraud, improper notification, improper conduct of members of the Elections Committee, candidate misconduct, or an unsound voting system.

B. Challenges must be be-formatted as Court of Review Complaints and submitted in writing within five (5) academic days of the reporting of the election results.

C. The Court of Review may consolidate challenges as it deems appropriate.

D. If the Court of Review determines that a challenge is valid, the Court may decertify an election or impose a remedy as deemed appropriate. If an election is decertified, a special Council meeting shall be called so that a Special Election can be scheduled.

E. The Court of Review must render its decision within fifteen (15) academic days following the last day of the election in question.
Section 9. Special Elections

A. Special Elections shall take place between three (3) and four (4) academic weeks after the Council meeting, Presidential declaration, or referendum that created the Special Election, unless otherwise noted.

1. No Special Elections shall be held between the last day of the spring semester and the regularly scheduled October Council meeting.

2. The Special Election must occur by electronic voting over two (2) consecutive academic days.

3. Voting shall open at 8:00 a.m. of the first (1st) day of the election and close at 5:00 p.m. on the second (2nd) day of the election.

4. The Elections Committee shall approve the results of a GPFA election after it has been determined that all provisions of the currently published Election Code, Bylaws, and Constitution were followed and any challenge(s) was (were) resolved.

5. Special Council Chair Elections shall take place at the Council meeting following the Council meeting at which the Election was created and shall follow the procedures of the Council Chair Election.

6. Referendum petitions for Special Elections shall be delivered to the Elections Committee.

a. The Elections Committee has five (5) academic days to validate the petition after it has been received.

b. A special election by referendum shall occur within fifteen (15) academic days of the approval of the petition.

Section 10. Elections Reporting

A. Reports Following Each Election

1. The results of all elections shall be reported in accordance with the Public Notice Requirements by 12:00 p.m. of the academic day following the end of the election.

2. Elections data will be disaggregated from unique identifiers, including student names and departments.

3. Complications with voting, including but not limited to, casting ballots, vote counting, the electronic voting system, and determination of eligibility shall be included with elections reporting.

B. Annual Report

1. The Annual Report shall include all expenditures and income for the Elections Committee and each report following an election.

2. On behalf of GPFA, the Elections Committee shall request that IT compile an Aggregated Elections Data Report. If IT provides this report, it shall be included in the Annual Report.

3. Results for each item shall be reported by Department.

a. Departments with less than ten (10) students voting must be pooled together in order to protect the privacy of individual voters. A note shall indicate which departments are pooled together and the number of voters from each department, but not a breakdown of votes by department.

Section 11. Election Disputes