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BILL #

2018 FALL SESSION

Legislative Action:

Introduced by: Gregor Hamilton

1st Reading: April 28th 2018 _____

Referred To: LSC Committee

2nd Reading: May 3rd 2018 _____

Committee Action: Approved

3rd Reading: _____

Council Action: _____

Executive Action:

Approved Vetoed

GPSA President

Date

signed by the President on this ____ day of _____ 2018. Bill automatically becomes law.

Legislative Response:

Veto override vote taken: _____

Council Action: _____

Be it enacted by the Graduate and Professional Student Association at the University of New Mexico that the following be amended in (*Article X*) of the GPSA Constitution/Bylaw:

Article X. Elections Code

Section 1. Referenda

- A. All referendum items are submitted to the Elections Committee via the Elections Chair or the GPSA Office. (Constitution VII.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.
 - 1. Candidates file for an election by turning in completed Candidacy Forms to the GPSA ~~Office~~ Elections Committee 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. Candidates must receive a time stamped receipt upon turning in their Candidacy Forms.
 - i. 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 [Bylaws X.2.A.1], 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. ~~If 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. Page 53 of 58
 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 an alternative but equivalent form of media, 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 an alternative but equivalent form of media.
 1. The written notice shall also include any steps necessary for a student to vote.
 2. Once published, this information may not be changed or altered except to correct any errors in printing.
- D. The Elections Committee shall promote any General or Special Election with at least one (1) advertisement in the Daily Lobo, or an alternative but equivalent form of media, during the last regularly scheduled week before the election.
 1. 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.

2. 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.
 3. The advertisement shall include the method and hours of electronic voting.
- E. Notice of candidate forums shall be advertised at least two (2) academic days prior to the beginning of at least the first (1st) forum. This advertisement shall indicate the names of the candidates and the location and time of the forum.
1. 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).
- F. 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 a quarter (1/4) page advertisement in the Daily Lobo or an alternative but equivalent form of media. Once published, this information may not be changed or altered except to correct any errors in printing.
- G. Notice of a Special Election for Presidential Replacement shall be given within three (3) academic days of a recall election in which a President has been removed.
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 in the Daily Lobo or an alternative but equivalent form of media. Once published, this information may not be changed or altered except to correct any errors in printing.
- H. Notice of a Special Election by Referendum shall be given within ten (10) academic days after the Elections Committee has verified a petition.
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 in the Daily Lobo or an alternative but equivalent form of media. Once published, this information may not be changed or altered except to correct any errors in printing.

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.
- B. 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.
- C. 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.

- D. 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.
- E. 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.
- F. 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).
- G. GPSA officers and GPSA staff will refrain from using GPSA resources to aid any GPSA Candidate in campaigning for office (including, but not limited to: funds, staff, email addresses, printing, electronic mailing lists, and office space).
- H. 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.
- C. Elections shall be conducted electronically and use a computer- or phone-based system that is managed by IT.
- D. Ballots and Polling:
 - 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 UNM 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 and will be signed by present, eligible voters that are choosing to participate in the vote.
- 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~~ will be allowed to 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.~~
 8. The voting will be done by secret ballots.
 9. To be an eligible voter, the voter must be present.

E. Vote Counting

1. Only the members of the Elections Committee who did not vote or the Director of UNM Student Activities 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. After the regularly scheduled March Council meeting, no Special Election for Presidential Replacement is required.
2. 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.
 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.

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 **regularly scheduled April Council Meeting** ~~last day of the spring semester~~ and the **regularly scheduled second October Council meeting** ~~of the Fall Semester~~.
 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 GPSA 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 with the exception that credentials will be allowed to be turned in as late as 5 academic days before the 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 ~~#~~ **the** petition 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 GPSA, 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

- 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 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.