

TITLE VIII

Elections

Chapter 1

Authority

Section 1 The authority and responsibility for the conduct of SGA elections, here defined as votes on referenda, and the elections of the Senate, the President, Area Government Officers and House Council Officers, unless otherwise provided for by the Constitution of the SGA or the By-laws of the SGA, shall be vested in an SGA Elections Commission, herein denoted the Commission.

Chapter 2

Composition of the Elections Commission

Section 1 The Elections Commission shall be composed of two (2) named representatives from each of the Area Governments, as defined in Title V of the By-laws of the SGA, who shall be confirmed upon a majority vote of the Senate membership in attendance at a scheduled meeting.

Chapter 3

Elections Commission Appointment

Section 1 The Governor of each Area Government shall, on or before October 30 of each calendar year, submit to the Senate two (2) named representatives for the posts of Election Commissioner, who shall serve for the calendar period of one (1) year, here defined as November 15 to November 14.

Section 2 If a Governor shall have failed to submit to the Senate two (2) named representatives for the posts of Election Commissioner on or before October 30, the Senate shall appoint and confirm the respective Elections Commissioner(s) upon a majority vote of its membership in attendance at a scheduled meeting, provided said Governor shall not have acted by the convention of said meeting.

Section 3 If the Senate shall not have acted to confirm or deny an Elections Commission appointment of a Governor within thirty (30) calendar days of receipt of said appointment, the Senate shall surrender its confirmation right.

Section 4 If the Senate shall have voted to deny an Elections Commission appointment, the Governor shall submit a second named representative to the Senate within ten (10) calendar days.

Section 5 Fifteen (15) days prior to the October 30 deadline for area government appointments to the Elections Commission, the SGA President shall send written notice of the deadline to all area governors.

Chapter 4

Elections Commission Vacancies

Section 1 If a vacancy shall occur in an Elections Commission post the Governor of the Area Government from which s/he shall have been appointed shall, within thirty (30) days of said vacancy, submit (1) named representative for the Elections Commission post vacated.

Section 2 If the Governor shall have failed to submit to the Senate one (1) named representative for the Elections Commission post vacated within thirty (30) calendar days of the vacancy, the Senate shall appoint and confirm one named representative to the vacated Elections Commission post, upon a majority vote of its membership in attendance at a scheduled meeting, provided said Governor shall have failed to act by the

convention of said meeting.

Section 3 If the Senate shall not have acted to confirm or deny an Elections Commission post appointment of a Governor within thirty (30) calendar days of receipt of said appointment, the Senate shall surrender its confirmation right.

Section 4 If the Senate shall have voted to deny an Elections Commission appointment, the Governor shall submit a second named representative to the Senate within ten (10) calendar days.

Section 5 If a vacancy shall occur in an Elections Commission post, with the exception of Chancellor of Elections, fifteen (15) calendar days prior to a General Election, the Elections Commission post vacated shall remain vacant until (7) calendar days following the election.

Chapter 5

Appointment of the Chancellor of Elections

Section 1 Each Area Government shall, on a rotating schedule, appoint the Chancellor of Elections, who shall act as the chief presiding officer of the Elections Commission, and no Area Governor shall consecutively appoint the Chancellor of Elections.

Section 2 Appointment of the Chancellor of Elections shall fulfill one (1) of the Elections Commission appointments prescribed in Title VIII, Chapter 3, Section 1 of the By-laws of the SGA.

Section 3 The rotation schedule for the appointment of the Chancellor of Elections shall be as prescribed herein:

1. Southwest Residential Area
2. Orchard Hill Residential Area
3. Central Residential Area
4. Northeast Residential Area
5. Sylvan Residential Area
6. Commuter Area

Chapter 6

Installation of Elections Commission Members

Section 1 Elections Commissioners shall, prior to being installed, consult the Directing Attorney of Student Legal Services, or her/his designee.

Section 2 Elections Commissioners shall, upon taking office, be administered the following affirmation by the Chief Justice before the Senate membership:

1. "I do affirm to faithfully execute the office of Elections Commissioner and support the Constitution and By-laws of the Student Government Association."

Chapter 7
The Chancellor of Elections

Section 1 The Chancellor of Elections shall be the chief presiding officer of the Elections Commission, shall perform all duties prescribed for that office by the Constitution of the SGA and the By-laws of the SGA, and shall be charged with the effective implementation of Title VIII of the By-laws of the SGA.

Chapter 8
Elections Commission Code of Conduct and Procedures

Section 1 No member of the Elections Commission shall hold elected or appointed office during the term of her/his Elections Commission membership.

Section 2 No member of the Elections Commission shall seek elected or appointed office during the term of her/his Elections Commission membership.

Section 3 No member of the Elections Commission shall actively aid the campaign of any candidate for elected office in the SGA during the term of her/his Elections Commission membership, unless otherwise provided for by the Constitution of the SGA or the By-laws of the SGA.

Section 4 The quorum for the conduct of business for the Elections Commission shall be fifty (50) percent of the membership plus one (1), one (1) of who shall be the Chancellor of Elections.

Chapter 9
General and Special Elections

Section 1 The Elections Commission shall be empowered to call either a General or Special Election.

Section 2 Five (5) percent, unless otherwise provided for by the Constitution of the SGA or the By-laws of the SGA, of the SGA membership shall cast a vote in a General or Special Election in order for said election to be ratified.

Section 3 Candidates for SGA elected office, unless otherwise provided for by the General Laws of the Commonwealth of Massachusetts, the Constitution of the SGA, or the By-laws of the SGA, shall be elected upon a majority or plurality of the SGA membership voting in a General or Special Election.

Chapter 10
General Election

Section 1 “General Election” shall be defined as those elections in which the University Student Trustee, the President, the Senate and the Area Government Officers are elected.

Section 2 The University Student Trustee, the President and the Area Government Officers shall be elected in a General Election on the same day on or before March 25 of each calendar year.

Section 3 The Senate shall be elected in a General Election on or before September 30 of each calendar year.

Chapter 11 Special Election

Section 1 “Special Election” shall be defined as those elections called to fill vacancies not occurring as the result of the expiration of a term, as defined by the Constitution of the SGA or the By-laws of the SGA, in the Senate, Area Government Officer posts, or House Council Officer posts.

Chapter 12 Referenda and General or Special Election

Section 1 Referenda may be placed on the ballot of either a General or Special Election, or, a Special Election may be called for the expressed purpose of calling a Referendum.

Section 2 Referenda submitted to the Elections Commission shall be put to the SGA membership on a ballot in a General or Special Election in the manner prescribed for said Elections in Title VIII, Chapter 13, of the By-laws of the SGA, provided that said referenda shall not be subject to By-laws directly pertaining to candidates.

Section 3 For the purpose of Title VIII of the By-laws of the SGA, the first name listed on a petition for a referendum shall be defined as “candidate”.

Chapter 13 Election Procedure

Section 1 For the purpose of Title VIII, Chapters 13-25, the term “Election” shall be defined as “General or Special Election”.

Section 2 The Chancellor of Elections shall initiate the election process in the manner prescribed herein:

1. The Elections Commission, if applicable to the Election, shall request from the Senate the Apportionment Schedule, which shall denote the number of Senate seats allocated per Electoral District.
2. The Elections Commission, if applicable to the Election, shall, upon a majority vote of its membership in attendance at a scheduled meeting confirm or deny the validity of a petition for a referendum.
 - A. If the Elections Commission shall have voted to deny the validity of a petition for a referendum, the Elections Commission shall make a public announcement within twenty-four (24) hours following the vote, of its decision and its justification.
3. The Chancellor of Elections shall, in absence of quorum, due to the lack of membership or otherwise, within the Elections Commission, fix the date(s) time(s) and place(s) of the Election. Furthermore, the Elections Commission shall appoint Elections Assistants who shall assist the Elections Commission and the Chancellor of Elections, who shall not be SGA members, hold elected or appointed office(s) during their service as Elections
 - A. If a General or Special Election shall include the election of the University Student Trustee, the General or Special Election shall be scheduled for two (2) calendar days.
 - B. If a General or Special Election shall include the election of the University Student Trustee, President, Area Government Officer or House Council Officers, elections shall be held at least five

(5) calendar days, but no more than (8) calendar days after the closing of nominations.

4. The Chancellor of Elections shall, upon the majority vote of its membership in attendance at a scheduled meeting, and if applicable to the Election, fix the date and time at which nominations for offices shall be open and closed: provided that the fixed time and date provides for nominations to have been open for seven (7) calendar days.

A. If an Election shall have included the offices of University Student Trustee, President, Area Government Officer or House Council Officers, nominations shall be open for fourteen (14) calendar days.

Chapter 14

Public Announcement of the Election

Section 1 The Chancellor of Elections shall provide for the public announcement, no less than fourteen (14) calendar days prior to the election date and time, of the Election, through the Massachusetts Daily Collegian and other publications and methods deemed necessary by the Chancellor of Elections, and said announcement shall contain the information prescribed herein:

1. The date and time of the Election
2. The nominating procedure and the date and time at which nominations shall be closed.
3. The times during which, and the locations at which, nomination papers shall be made available.
4. The phone number and office hours of the Chancellor of Elections.
5. The Elections Commission shall, upon a majority vote of its membership in attendance at a scheduled meeting, determine the method by which the ballots shall be counted

Chapter 15

Nominations

Section 1 The Chancellor of Elections shall provide for the publication and distribution of nomination papers in the manner prescribed herein:

1. The nominating statement:
 - A. "We, the undersigned Student Government Association members, and residents of (nominee) Electoral District as defined by the University and the By-laws of the SGA do hereby nominate (nominee) for the office of (office)."
2. The printed name, address, student identification number, phone number and signature of the nominee attesting that s/he shall have accepted the nomination.
 3. The printed names of SGA members residing in the Electoral District, their signatures, addresses, phone numbers and date of birth, herein denoted the nomination signatures.
 - A. If an SGA member shall take out nomination papers for the office of Senator, the number of nomination signatures required shall be twenty-five (25).

- B. If an SGA member shall take out nomination papers for the office of Area Government Officer, the number of nomination signatures required shall be one-hundred (100).
- C. If an SGA member shall take out nomination papers for the offices of either University Student Trustee or President, the number of nomination signatures required shall be two-hundred and fifty (250).

4. The date and time nominations shall be closed.

Section 2 All nomination papers shall be numbered and the numbers shall be recorded by the Chancellor of Elections next to the name of the person who shall have taken out said nomination papers.

Section 3 All persons, upon taking out nomination papers, shall be issued a certified copy of the Constitution of the SGA and the By-laws of the SGA, and shall, upon returning said nomination papers sign a document attesting that s/he shall have read, understood and agreed to abide by the Constitution of the SGA, the General By-laws and specifically Title VIII of the By-laws of the SGA.

Section 4 All persons, upon returning nomination papers shall submit a campaign workers list which shall include the name, student identification number and telephone number of all persons actively campaigning for the candidate.

Section 5 Upon their return, all nomination papers shall be time-stamped and delivered to the Chancellor of Elections.

Section 6 When nominations shall have closed, the Elections Commission shall review all nomination papers and shall confirm or deny, upon a majority vote of its membership in attendance at a scheduled meeting, the validity thereof.

Section 7 If the Elections Commission shall have voted to deny the validity of a set of nomination papers, the Elections Commission shall inform the nominee within twenty-four (24) hours following the vote, of its decision and its justification.

Section 8 A Candidate may, in writing, and forty-eight (48) hours prior to an election, withdraw her/his name from the ballot.

Chapter 16

Ballots

Section 1 The Chancellor of Elections shall provide for the publication of the ballots and said ballots shall contain the information prescribed herein:

1. A brief set of voting instructions which shall include, but may not be limited to the number of votes which can be cast for each office.
2. The name of the candidate(s) grouped with her/his respective Electoral District.
3. A write-in space for all offices.

Section 2 A candidate's name, as printed on the ballot shall be of her/his own choosing, provided that the

candidate's legal surname be printed.

Section 3 The word "incumbent" shall appear next to a candidate seeking re-election from the same constituency.

Section 4 The order of the names on the ballot shall be determined at random by the Elections Commission.

Section 5 The ballots shall be numbered and color-coded, and the numbers and colors, and the ballot boxes to which the ballots shall have been assigned, shall be recorded by the Chancellor of Elections.

Section 6 The ballots shall be locked in a secure area to which only the Chancellor of Elections shall have access, and the ballots shall be surrendered only to the possession of members of the Elections Commission.

Chapter 17

Public Announcement of the Polling Places

Section 1 The Chancellor of Elections shall provide for the public announcement, no less than twenty-four (24) and no more than seventy-two (72) hours prior to the election date and time, of the voting procedure and polling places, through the Massachusetts Daily Collegian and other publications and methods deemed necessary by the Chancellor of Elections.

Chapter 18

Election Day

Section 1 The Elections Commission shall open and close the polling places at the designated time and conduct the voting in the manner prescribed herein:

1. Voters shall present her/his University identification card or certified driver's license.
2. The Elections Commissioner or Elections Assistant shall locate the voter's name on the official University roster of SGA members delete her/his name from the roster, and determine the election(s) in which the voter may cast a vote.
3. The Elections Commissioner or Elections Assistant shall circle on the ballot, in ink, the elections in which the voter may cast a vote.
4. The voter shall mark her/his ballot according to the instructions prescribed therein.
5. The voter shall place the ballot in the ballot box.

Section 2 If a ballot, before it is placed in the ballot box, shall have been mismarked according to the instructions prescribed on the ballot, the ballot shall be surrendered to the Elections Commissioner or Elections Assistant, the ballot shall be destroyed, and a second ballot shall be issued.

Chapter 19

Write-in and Sticker Votes

Section 1 Voters casting write-in votes shall write the candidate's name legibly in the space

provided.

Section 2 Voters casting write-in votes by sticker shall affix the sticker in the space provided, provided that the sticker is no larger than one (1) inch by two and one-half (2 1/2) inches.

Chapter 20 Absentee Ballot

Section 1 If an SGA member is unable to vote at her/his assigned polling place on the day of a General Election, s/he may vote by absentee ballot at any other polling place and the vote shall be conducted in the manner prescribed herein:

1. Voters shall present her/his University identification card or certified driver's license.
2. The Elections Commissioner or Elections Assistant shall locate the voter's name on the official University roster of SGA members, delete her/his name from the roster, and determine the election(s) in which the voter may cast a vote.
3. The Elections Commissioner or Elections Assistant shall circle on the ballot, in ink, the elections in which the voter may cast a vote.
4. The voter shall mark her/his ballot according to the instructions prescribed therein.
5. The voter shall place her/his ballot in a plain white envelope with her/his name, address, and student identification number legibly written in ink on the outside of the envelope.

Chapter 21 Polling Place Staff

Section 1 Polling places shall be staffed at all times by two (2) persons, one (1) of whom shall be an Elections Commissioner and one (1) of whom shall be either an Elections Commissioner or an Elections Assistant.

Chapter 22 The Count

Section 1 When the polling places shall have closed, the Elections Commission shall immediately transport them to the room in which the ballots shall be counted.

Section 2 The Elections Commission shall conduct the counting of the ballots in the manner prescribed herein:

1. The Elections Committee shall destroy all ballots not marked, except those which shall be used for tabulation purposes.
2. The Elections Commission shall proceed to count the ballot

Section 3 The Elections Commission shall declare any ballot meeting any one (1) or more of the conditions prescribed herein, to be invalid:

1. Marks on the ballot are not placed clearly in the space provided on the ballot.
2. The ballot shows evidence of having been erased, scratched out, or otherwise altered.
3. There are more votes cast on the ballot than are numerically allowed.
4. An SGA member already named as having voted is recorded as having cast a second vote.
5. A vote is illegible.

Section 4 The Elections Commission may, upon a majority vote of its membership in attendance at a count, declare, for extraordinary reasons, any ballot to be invalid which may, but need not necessarily meet any of the conditions prescribed in Title VIII. Chapter 22, Section 3, of the By-laws of the SGA.

Section 5 Each candidate, and the Graduate Student Senate, if the election shall include the election of the University Student Trustee, may send one (1) person to the room in which the count is taking place who shall not be a candidate, and upon arrival, shall not leave the room until the completion of the count except to perform natural acts.

Section 6 No person, other than the Elections Commission, the Elections Assistants, the Graduate Student Senate designee, and the candidate's designees, shall be present at the counting of the ballots.

Section 7 Only Elections Commission members and Elections Assistants shall count ballots.

Section 8 Following the completion of the count, the Elections Commission shall lock the ballots in a secure area to which only the Chancellor of Elections shall have access, until the elections shall have been ratified.

Section 9 Upon the completion of the count, those persons or referenda having received a majority or plurality of the votes cast shall be declared the winner(s), pending ratification.

Chapter 23 The Election Report

Section 1 Within forty-eight (48) hours of the completion of the count, the Elections Commission shall submit to the Speaker of the Senate, or, if the Senate is in a Special Period, the Coordinating Council, its Election Report for the General Election, which shall appear as a Special Order on the agenda of the next scheduled Senate or Coordinating Council meeting, and shall include the information prescribed herein:

1. The complete numerical tabulation of the results.
2. Any formal complaints made to the Elections Commission and the act taken thereupon.
3. The signatures of the Elections Commission.

Section 2 If an election shall have included the offices of University Student Trustee, a certified copy of the Election Report shall be submitted to the Graduate Student Senate at the same time said report shall have been submitted to the Senate.

Section 3 If the Senate or the Coordinating Council shall have failed to ratify a General or Special Election within thirty (30) days of said Election, the Elections Commission shall call a Special Election and re-cast the ballots, provided the Senate or Coordinating Council shall have failed to ratify the Election by the re-casting of

the ballots.

Chapter 24

Candidate Code of Conduct

Section 1 For the purpose of Title VIII, Chapters 24-25 of the By-laws of the SGA, “candidate” shall be defined as any person who shall have expressed a firm intention to qualify, or who has qualified, to have her/his name placed on the ballot for elected office in an SGA General or Special Election, or any person seeking election to such an office through a write-in campaign, here defined as a concerted effort to win election to such an office through write-in votes.

Section 2 For the purpose of Title VIII, Chapters 24-25 of the By-laws of the SGA, forms of the verb “to campaign”, shall be defined as any action by any person in support of a candidate for elected SGA office which shall include, but shall not be limited to, distribution of literature or posting of materials.

Section 3 Candidates for SGA elected office shall be subject to the Code of Conduct prescribed herein:

1. No candidate who is not a candidate, as defined by Title VIII, Chapter 24, Section 1, shall campaign.
2. All campaign material including but not limited to, buttons, posters, leaflets, banners, signs, table tents, and radio and television announcements, shall be registered with the Chancellor of Elections prior to their use, and shall bear the name of the campaign which shall have produced same.
3. No person(s) shall appropriate funds for the purpose of campaigning except the SGA.
4. All equipment and supplies used to campaign shall be registered with the Chancellor of Elections prior to their use, and shall be accompanied by certified copies of the purchase orders or inter-activity recharges used to purchase said materials.
 - A. Pens, pencils, copy machines, markers, computers, staplers and staple guns shall be exempt from the provisions of Title VIII, Chapter 24, Section 3, Subsection 4 of the By-laws of the SGA.
5. All candidates shall purchase their materials at fair market prices to which all other candidates shall have reasonable access.
6. No person, who shall not have been listed on the campaign workers list, shall actively campaign for a candidate, and candidates shall be charged with registering any deletions or additions to a campaign list with the Chancellor of Elections.
7. Candidates shall be responsible for the actions of persons registered on the campaign workers list.
8. No funds shall be transferred between candidates
9. No candidate shall wrongfully represent any campaign material as being the material of any other candidate.
10. No candidate shall violate the Code of Student Conduct.
11. No candidate shall corruptly give, offer or promise to any SGA member any pecuniary or other benefit not authorized by the Constitution of the SGA, the Bylaws of the SGA or an Act of the SGA, which is intended

to influence the vote(s) of said SGA member.

12. No person shall campaign within fifty (50) feet of a polling place on Election Day.

Chapter 25 Violations of Chapter VIII

Section 1 The Elections Commission may, upon a two-thirds vote of its membership in attendance at a scheduled meeting, and up to thirty (30) calendar days following an election, take any one of the actions prescribed herein for violations of Title VIII of the By-laws of the SGA:

1. *Warning* - A written statement to a candidate ordering the cessation of any activity which is in violation of Title VIII of the By-laws of the SGA, or her/his candidacy shall be suspended or invalidated.
2. *Suspension* - A written statement to a candidate ordering the suspension of all campaigning for a prescribed period of calendar time.
3. *Invalidation* - A written statement to a candidate declaring her/his candidacy to be invalid and stricken from the ballot.
4. *Nullification* - A public announcement to the SGA membership declaring an Election nullified and calling a Special Election to re-cast the ballots.

Chapter 26 Appeals

Section 1 A person may appeal the decision(s) of the Elections Commission by filing a Petition for a Ruling with the Associate Chief Justice of the Student Judiciary.