

## ELECTIONS CODE

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# STUDENT GOVERNMENT ASSOCIATION COMMUNITY COLLEGE OF DENVER **Elections Code**

### *SECTION 1: Election Timelines*

#### 1.01 General Elections

1.01.1 The SGA general election shall be held in the spring semester to elect officers for the following term.

1.01.2 The election commission, as designated by Article VI, Section 3 of SGA Bylaws shall announce the election and make intent-to-run and petition signatures forms available online and in the SGA office beginning with the first day of spring classes.

1.01.3 The election commission shall hold two orientation meetings during the month of February for interested candidates.

1.01.4 The election commission shall hold four orientation meetings during March prior to the due date for Intent Forms.

1.01.5 The election commission shall accept Intent Forms, petition signatures, and forms no earlier than the first business day of March and no later than the second Friday before the first day of voting.

1.01.6 The first day of voting shall be the second Monday following the first Friday of April, as fitting with other campus elections and referendums.

1.01.7 The last day of voting shall be the Friday following the first day of voting or as fitting with other campus elections and referendums.

1.01.8 Preliminary results shall be issued to all candidates, the current SGA president, and the current SGA Secretary no later than twenty-four hours after voting ends.

1.01.09 The election commission will accept disputes and complaints no later than noon on the Wednesday following the last day of voting.

1.01.10 The election commission shall give notice to all parties of a dispute or complaint no later than 5pm on the Wednesday following the last day of voting which shall include the schedule date and time of a hearing, if one is needed.

1.01.11 If no disputes or complaints are submitted or all disputes or complaints are resolved prior to the last day of voting, the election commission will issue the final certified results to all candidates, the current SGA president, and the current SGA Secretary, no later than three days after the last day of voting.

1.01.12 The election commission shall hold hearings, as necessary, to resolve disputes and complaints no later within three days following notice of dispute or complaint.

1.01.13 The election commission shall reissue final certified results, including the results of any hearings, no later than three days following the completion of hearings.

1.01.14 The Dean of Student Life shall accept appeals no later than three days following the announcement of final certified election results.

1.01.15 The Dean of Student Life will issue notice to all parties of an appeal, including the scheduled date of the meeting, no later than three days after the receipt of an appeal.

1.01.16 The Dean of Student Life may extend meetings following the first meeting date if necessary.

1.01.17 The Dean of Student Life shall issue all decisions pertaining to election appeals.

1.01.18 The SGA inauguration shall be held on the Friday before the first Monday of June or at the Student Awards Ceremony.

## 2.01 Special Elections

1.02.1 The election commission shall announce an election and make Intent Forms and petition signatures forms available online and in the SGA office at least four weeks before the first day of voting.

1.02.2 The election commission shall hold orientation meetings during the two weeks prior to the due date for Intent Forms.

1.02.3 The election commission shall accept Intent Forms and petition signatures forms no later two weeks prior to the first day of voting.

1.02.4 The first day of voting shall be set by the election commission in consultation with the current SGA President.

1.02.5 The last day of voting shall be the Friday following the first day of voting.

1.02.6 Preliminary results shall be issued to all candidates, the current SGA president, and the current SGA Secretary no later than twenty-four hours after voting ends.

1.02.7 The election commission will accept disputes and complaints no later than noon on the Wednesday following the last day of voting.

1.02.8 The election commission shall give notice to all parties to a dispute or complaint no later than 5pm on the Wednesday following the last day of voting which shall include the schedule date and time of a hearing, if one is needed.

1.02.9 If no disputes or complaints are submitted or all disputes or complaints are resolved prior to the last day of voting, the election commission will issue the final certified results to all candidates, the current SGA president, and the current SGA Secretary no later than three days following the last day of voting.

1.02.10 The election commission shall hold hearings, as necessary, to resolve disputes and complaints no later than three days following notice of dispute or complaint.

1.02.11 The election commission shall issue final certified results, including the results of any hearings, no later than three days following the completion of hearings.

1.02.12 The Dean of Student Life shall accept appeals no later than three days following the announcement of certified election results.

1.02.13 The Dean of Student Life shall issue notice to all parties of an appeal, including the scheduled date of the meeting, no later than three days after the receipt of an appeal.

1.02.14 The Dean of Student Life may extend meetings following the first meeting date if necessary.

1.02.15 The Dean of Student Life shall issue all rulings pertaining to election appeals.

## *SECTION 2: Election Procedures*

### 2.01 Initiation

2.01.1 All General Elections shall be conducted during the spring semester. The Commission shall plan and conduct general elections without notice from any other Student Government Association entity. The commission may consider holding elections at the same time as the other, but are not required to

2.01.2 Vacancies are considered to officially "occur" for Commission purposes upon receipt of written notice to that effect from the SGA Secretary or SGA President.

2.01.3 The commission shall certify petitions for recall, referendum, or initiative upon finding that the measure has fulfilled Bylaw and Procedures Manual requirements.

2.01.4 Elections initiated during the Spring semester may be combined with the planned general election or presented as a special election, at the discretion of the  
2.01.5 The Commission may approve or reject with good cause a request from a student organization for its assistance in hosting an election.

## 2.02 Candidates

2.02.1 Students desiring to stand for elective office within the Student Government Association shall have their names placed on the ballot upon fulfillment of the requirements of the CCD Student Government Nomination Packet. Upon submission of an Intent Form, petition pages containing a minimum of twenty-five (25) signature blanks shall be provided to the candidate by the Commission, and each page shall be labeled with the name of the candidate and the position they are seeking. The Petition sheets shall be made available for the candidate to pick up in the SGA office during business hours within twenty-four hours of the submission of the Intent to Run Form.

2.02.2 All candidates must meet the requirement of Article IV of the Student Government Assembly Bylaws.

2.02.3 Upon receipt, the Election Commission Chairperson shall present copies of all Intent Forms to the appropriate administrative advisor, for verification of these qualifications. The administrative advisor in acceptance of this responsibility shall provide a written statement affirming each qualified candidate and rejecting each unqualified candidate. Notice of acceptance or rejection must be provided to the candidate, in writing, within three days of such rejection.

2.02.4 Any and all personal information submitted to the Commission by students shall be considered released by such students to the Commission for its applicable and appropriate use. However, in the course of such use, no private student information shall be released to any person not a member of the Commission or its advisor without the signed written consent of the student.

## 2.03 Campaign Period

2.03.1 Intent Forms shall be due from all prospective candidates to the Commission Chair no later than thirty days prior to the first scheduled day of the relevant general election, and no later than fifteen days prior to the first scheduled day of the relevant special election. Subject to this requirement, the Commission shall set and publish a due date, on or before the date required herein, upon which Intent Forms are due. Such due date may be extended, the requirements of this section notwithstanding, by a simple majority of the Commission, to a point not later than fifteen days prior to the first scheduled day of the relevant general election, and no later than eight days prior to the first scheduled day of the relevant special election, and only upon a finding by the

Commission that one or more position(s) subject to the election will otherwise remain uncontested and/or unfulfilled and that such extension will not unduly prejudice the outcome of the election for any candidate. The submission of all intent forms constitutes the acknowledgement of the CCD Student Government Election Code.

2.03.2 The Commission shall host a minimum of 6 campaign orientation meetings, at which copies of the Bylaws and other materials shall be distributed, interpretations and rulings may be announced, and general information about the campaign process shall be made available to all parties. Each Commissioner shall attend a minimum of one of these meetings during each election cycle. All candidates and at least one sponsor of each referendum must attend a minimum of one of these meetings to remain eligible.

2.03.3 Campaigning shall take place between the distribution of petitions by the Commission and the end of the actual election. With respect to special elections in which no candidates will participate, the Commission shall allow a period of time no less than two but no more than four weeks for campaigning. No campaigning on campus shall take place before the date set by the Commission as the beginning of campaigning or after the final date of the actual election.

2.03.4 The Commission shall set a time period for balloting of not less than two business days and not more than five business days during non-general elections. The Commission shall set a time period for balloting of not less than five business days for general elections.

2.03.5 Subject to the other requirements of this Section with respect to balloting, the Commission shall review the results of the election within seven business days of the close of balloting. Such review shall include tabulation and posting of preliminary results within twenty-four hours of the close of voting. Subject to this requirement, the Commission shall set a time period for contestation of forty-eight hours following the posting of preliminary results.

2.03.6 Refer to CCD Student Government Bylaws and /or Procedures Manual for certification requirements and deadlines.

### *SECTION 3: Election Participants*

#### 3.01 Candidates

3.01.1 The Commission shall accept Intent Forms from students for the positions of President, Vice President, Treasurer, Secretary, Student Representative, SSAC or SACAB Representative.

3.01.2 Students who have submitted Intent to Run Forms may not be elected by write-in vote for any office other than the position sought on the Intent to Run Form.

3.01.3 Students with petition forms shall be treated as candidates following verification of qualifications. The Commission may choose to treat a student as a candidate prior to verification for the purposes of campaigning and/or election process requirements if this student is currently a member of SGA.

3.01.4 Students seeking election as a write-in candidate shall be considered candidates upon approval of Intent to be Elected form to a position in SGA and all applicable rules shall apply.

3.01.5 Candidates in SGA elections are expected to adhere to any and all rules of conduct which apply to members of the association. Violation of these rules are grounds for disqualification upon a finding by the commission that the candidate's conduct, if already an officer, would be sufficient to warrant removal from office.

### 3.02 Campaign Groups

3.02.1 For general campaigning purposes, a campaign group shall consist of two or more persons standing as candidates for positions to be filled in the same election, who therefore choose to share campaign resources and/or campaign in any way that gives the appearance of a joint campaign or strategy. For spending purposes, campaign group spending limits apply only to campaign groups consisting of four or more persons, who have jointly informed the Commission in writing that they will be standing as candidates for positions to be filled in the same election.

3.02.2 While operating as a campaign group, all individual members and the campaign group shall each be held accountable for the conduct of the group.

3.02.3 Campaign groups may assemble or disassemble upon the unanimous written consent of the members thereof and upon written notice to the Commission.

3.02.4 The Commission may assemble or disassemble a campaign group based on its judgment by simple majority that members exhibit the characteristics of a campaign group or of individuals campaigning, based on such members' operation under the provisions of this section. The endorsement of one candidate for another shall not be considered sufficient for such a judgment.

### 3.03 Referendum Sponsors

3.03.1 Any person, group, committee, organization or political entity, including the Student Government Association or any part thereof, having participated in drafting, petition or other advocacy of any referendum, shall be considered a sponsor of said referendum.

3.03.2 It is the intention of this Code, through any and all provisions herein, to increase rather than limit debate on referenda. As such, the Commission shall interpret the provisions of Article II of this Code to provide the maximum reasonable participation on all referendum issues.

### 3.04 Third Parties

3.04.1 Any person or group, participating in the election process for the purpose of campaigning or otherwise publicly expressing an opinion, without being adopted

by a particular candidate or campaign group as an active supporter shall be classified as a third party upon written registration with the Commission or upon the commission judgment that the party is committing resources or significant time to such efforts.

3.04.2 Upon classification as a third party, the commission shall notify the party that all election activity must be in compliance of campus and SGA regulations.

3.04.3 Individuals considered third parties by these provisions may not share resources or coordinate a joint strategy unless they register as a campaign group or assembled as one by the Commission.

3.04.4 All persons and groups choosing to participate in the campaign and/or election process in any way, lack of status as a candidate, campaign group or referendum sponsor notwithstanding, voluntarily avail themselves of the jurisdiction of the Commission, and are thus subject to each and every provision of this Code and all other policy issued by the Commission.

#### *SECTION 4: Campaigning*

##### 4.01 Spending

4.01.1 No individual may contribute or spend more than two hundred and fifty dollars (\$250.00) total to the campaign of any single candidate or campaign group, including themselves. Such limits shall include reasonable assessment of the value of in-kind donations.

4.01.2 No individual candidate may spend in excess of five hundred dollars (\$500.00) on campaign materials and related expenses. No campaign group may spend in excess of two thousand dollars (\$2,000.00) on campaign materials and related expenses.

4.01.3 Individual candidates, by virtue of participation in a campaign group, waive all rights to individual spending.

4.01.4 No referendum sponsor or third party may spend in excess of two hundred and fifty dollars (\$250.00) on campaign materials and related expenses.

4.01.5 The Commission shall designate an e-mail address and a physical location for expense reporting. Each candidate, campaign group, referendum sponsor, and third party shall be responsible for providing, by e-mail or paper submission, a list and summary of expenses spent throughout the entire campaign period by the first business day following the close of the voting polls. This reporting must describe the sources of all funds and donations and the use to which each is put, as well as provide contact information for verification of these sources. The Commission may further provide guidelines to direct the formation of such reporting.

4.01.6 All parties to elections may receive donations of money and/or resources in kind from any person except another election party.

4.01.7 Donations in kind must be assigned a reasonable value and deducted from the party's spending limit. The Commission may, upon a finding of an incorrectly calculated value by simple majority, revise any party's assigned value. However, the Commission shall not revise an assigned value without substantial evidence.

4.01.8 Donations of non-consumable resources, such as the use of audio equipment or a space in which to conduct campaign activities, shall be assigned a zero value unless a specific fee for such use is paid by the campaigner in receipt or the donating party.

4.01.9 The Commission shall make reasonable efforts to verify and supervise election expenses to ensure compliance with applicable regulations.

#### 4.02 Materials

4.02.1 Campaign materials consist of all physical resources and electronic media used to deliver a campaign message or otherwise express an opinion intended to influence a vote, including, but not limited to, flyers, posters, handbills, signs, printed statements, novelty items such as key chains or pens, and clothing. Campaign materials may be designed for delivery to constituents, posting, or continual use by campaigners.

4.02.2 "State resources" for the purposes of this section, consist of any materials or equipment paid for by tuition, student fees, or state funds. Except as described in this section, no state resources may be used for any campaign purposes. This requirement shall not apply to physical space which is not diminished or damaged by its use.

4.02.3 Campaigners shall not accept donations of funds or materials from campus offices or departments. Any non-consumable resources provided for the use of campaigners free of charge, such as a computer or a space on campus for campaigning, shall be assigned a null value for spending purposes.

4.02.4 With respect to resources available to all students indiscriminately, such as the computer labs and student lounges, campaigners may make use of all resources without penalty, provided they do not interfere with normal use by noncampaigners. Any printing in CCD computer labs shall automatically be assigned a value of \$0.05 per 8.5 x 11 page for black and white and \$0.10 per page for color on all expense reporting.

4.02.5 The Commission shall not restrict the freedom of speech in campaigning, except as to require compliance with applicable college policy, campus policy, and state and federal law

4.02.6 Campaign materials shall not be posted in any way that violates campus posting policies.

4.02.7 The Commission will attempt regulate campaigning which takes place off campus or online, and it may use such instances as evidence of campaign spending and adherence to CCD Code of Conduct and SGA Bylaws and Election Code. CCD resources, such as the email server, incoming or outgoing, and college provide web space shall be considered on-campus for the purposes of campaign regulations.

#### 4.03 Communications

4.03.1 Campaign communications consist of all person-to-person correspondence, whether directed individually or indiscriminately to members of a larger group, including, but not limited to, emails, letters, mailings, and phone calls.

4.03.2 Campaigners shall comply with all college and campus policies regarding the use of "spam" and consumer mailing, and with all state and federal law. However, students sharing a pre-existing relationship with the campaigner, such as classmates, teammates, or club membership, may be included in mass communications unless the student expressly requests not to be.

4.03.3 Campaigners shall not use any communication method that intrudes on the privacy of students outside the campus or college electronic forum, such as phone calls and home mailings.

4.03.4 No mass emails shall be sent to addresses contained in established campus lists, such as those independently managed by the Information Technology division of the college or those available on CCD Connect and D2L

#### 4.04 Forums

4.04.1 A campaign forum shall consist of any public event, whether held electronically or at a physical location, at which the distribution of campaign materials, issuance of campaign communications, and/or a general discussion of campaign parties and positions is part of the planned activity.

4.04.2 The hosting individual(s) and/or group(s) must be publicly and frequently made clear to all persons attending or participating in each forum. Forums hosted by the Commission, or otherwise purporting impartiality, shall only be conducted provided vigorous and defensible efforts to ensure a fair and impartial process is made.

4.04.3 Individuals or groups hosting campaign forums may not do so using student organization funds without express approval of the governing body of that student organization, as reflected in their constitution. Individuals or groups hosting campaign forums may not do so using any funds received from SGA, student fee or general fund departments, including in kind like copies, paper, etc.

4.04.4 Candidates or campaign groups must include expenses incurred by a campaign forum which can be reasonably attributed to the campaign on their expense reports to the commission.

#### 4.05 Conduct

4.05.1 All parties to an election shall be responsible for full compliance with this Code, all college and campus policies relevant to election proceedings and all state and federal laws applicable to conduct within such proceedings. However, violation shall only be determined by the Commission upon finding of a.) Clear intent and/or b.) Failure to be aware of applicable rules.

4.05.2 In the interest of free and open elections, except as necessary to the basic functioning of the election process, the Commission shall not regulate general standards of behavior of campaigners. Specifically, except as violations as described herein and in the Student Code of Conduct, no campaigner may be punished for behavior generally regarded as inappropriate.

#### 4.06. Commission Oversight

4.06.1 The Commission shall be responsible for the oversight of all election related activities, and may investigate any activity on its own initiative or upon request by another party. The Commission may request college assistance in investigating violations or enforcing its Code.

### *SECTION 5: Violations*

#### 5.01 Reporting

5.01.1 Upon discovering a believed violation of any provision of this Code, a Commissioner shall report the violation, in writing, to all other Commissioners. The Chair shall then issue temporary orders, if believed necessary, and shall convene a hearing pursuant to section 4.03.

5.01.2 Upon discovering a believed violation of any provision of this Code individuals may report the violation, in writing, to the Chair. The Chair shall then distribute this writing to all other Commissioners, issue temporary orders, if believed necessary. Complaints not delivered in writing as described herein shall not be considered.

#### 5.02 Temporary Orders

5.02.1 Upon becoming aware of an activity alleged to be in violation of any provision of this Code, the Chair may issue a temporary order, calling for the cessation of such activity until a hearing can be convened. The Chair may only issue such order upon the belief that such order is necessary to prevent substantial harm to a fair and impartial election, and that such order will not cause such harm in itself.

5.02.2 Upon convening of a hearing, the Commission may reverse any such temporary orders.

### 5.03 Hearing

5.03.1 A hearing regarding an alleged violation may only be held following a minimum of two business days' written notice to the campaigner against whom allegations are made, the party harmed by the alleged activity (if any), and all Commissioners.

5.03.2 A hearing shall operate as a normal meeting of the Commission, but shall include, in this order:

- a. Presentation of evidence of violation
- b. Presentation of the party's evidence
- c. Statements by all persons
- e. Deliberation by the Commission on its finding
- f. Issuance of a finding
- g. Statement by all persons with respect to disciplinary measures
- h. Deliberation by the Commission on disciplinary measures
- i. Issuance of disciplinary measures

5.03.3 The Commission's findings shall be published in writing and made publicly available within two business days of decision, and must include findings of fact and violation. Findings of fact shall include a thorough description of all actions found by the Commission to have been taken by the accused. Findings of violation shall include a thorough explanation of the Commission's application of policy or law to these found facts.

5.03.4 Hearings may be carried over to a second day if necessary.

5.03.5 Standard disciplinary measures may include any combination of the following:

- a. The immediate removal of all materials and/or postings in violation;
- b. The reduction of an individual/campaign groups spending limit of up to 95%;
- c. Prohibition further campaign participation.
- d. Expulsion from the election process and disqualification.

5.03.6 Candidate(s) whose spending limits have been reduced below the amount already spent must remove and forfeit materials, at the Commission's discretion, to decrease their total outstanding campaign spending below the new limit. Any found in violation must provide a new statement of spending and must forfeit any such materials to any Commissioner within one business day of such a finding.

5.03.7 The Commission shall disqualify a candidate from further participation in campaigning or in the election itself only upon a finding that the harm caused by that candidate's violation has substantially and irreparably harmed the progress of a fair and impartial election.

5.03.8 The Commission shall order a new election, to determine a position or referendum, only upon a finding that the democratic process has been substantially and irreparably harmed to the extent that a certifiable election outcome is no longer possible.

5.03.9 Any findings issued or punitive measures affected under this Section shall be subject to appeal to the Dean of Student Life only on the basis described in Section 6 of this Code.

## *SECTION 6: Election Results*

### 6.01 Tabulation

6.01.1 The Commission shall generate a ballot and make available for public no later than 8:00am of the first day of balloting. The Commission shall make all reasonable efforts to generate a simple, understandable, fair, and impartial ballot, including random or alphabetical selection of the order of candidates for each position and the presentation of referendum language without description or proponent speech. All incumbent candidates shall be denoted as such thereon. The Commission shall hear all complaints regarding the nature of the ballot received in writing with the Chair within three business days of its public availability. The ballot must include a method whereby voters can write in a student's name which does not appear on the ballot.

6.01.2 It is the sponsoring party's responsibility to provide ballot language for referendum or initiative. However, the election commission, SGA, and CCD Administration are responsible for ensuring that such language is accurate and impartial and may require revision of the language within reasonable deadlines.

6.01.3 The Commission may solicit volunteers for assistance with the process of balloting, regulation enforcement, and vote counting, and may certify such volunteers as election judges, following an inquiry into such volunteer's impartiality. The Commission Chair shall have final authority to appoint Election Judges.

6.01.4 The Commission may check ballot count and results during and/or after balloting. Any ballot counting must have permission from the election commissioner or SGA Advisor. For the purpose of counting, advisors may serve as election judges.

6.01.5 Following counting, the candidate with the largest number of votes for each of the elected executive positions (President, Vice President, Treasurer, Secretary, seven Student Representative, two SACAB Representatives and two SSAC Representatives) shall be named the preliminary victor. In the case of SACAB and SSAC representatives, the two candidates with the most votes for each position will be declared the victors.

6.01.6 The Commission shall release preliminary results, including the designation of preliminary victors, within twenty-four hours of the completion of balloting. The Commission may also, at its discretion, release partial preliminary results before balloting is complete, except that such preliminary results must include all questions and positions on the ballot.

6.01.7 The commission may make use of campus and college resources, or other external business or organization in order to ensure that balloting is conducted professionally and accurately. The commission may allocate funds for such services within their approved budget and with the approval of the SGA President.

#### 6.02 Contestation

6.02.1 Contestations and allegations of violations under Section 4 must be filed with the Chair before completion of balloting. The Commission shall consider all allegations within two business days following the release of preliminary results. The Commission shall first consider whether the allegations, if true, would result in punitive measures that would substantially alter the outcome of the election, then proceed to a hearing consistent with the provisions of Section 5 only if it determines in the affirmative by simple majority.

6.02.2 Any group of three candidates, three referendum sponsors, or ten students' may petition the Commission for a first recount. Upon receiving such a request, in writing, naming one specific position or referendum to be recounted, the commission shall seek a letter from the company, department, or entity which was used to conduct balloting which certifies that results are accurate.

#### 6.03 Certification

6.03.1 It is recognized that certification of a vote is necessary to the assurance of a fair and impartial election system. As such, the Commission shall not sacrifice the principles of a fair and impartial election in any way in the interest of meeting a Certification deadline.

6.03.2 Certification of a vote by the Commission shall require an affirmative vote of three commissioners.

6.03.3 If the number of commissioners should be reduced to less than three during the course of an election, the SGA president shall convene a committee of impartial students to review all documents pertaining to the election and issue a Certification in place of the Election Committee.

6.03.4 Refer to the CCD Student Government Bylaws and/or Policy Manual for requirements regarding inauguration.

### *SECTION 7: Appeal*

#### 7.01. Student Court

7.01.1 Any decision made by the Commission, including interpretations, appointments, removals, findings, punitive measures, certification, and all other actions requiring a vote may be appealed to the SGA, in writing, within five business days following such decision. For the purpose of notice, the Chair shall be the representative of the Commission, receive service, and may present the Commission's case or delegate this task.

7.01.2 For the purposes of review of Commission decisions, the Dean of Student Life shall be the appellate body. As such the Student Appeal Committee shall review cases on appeal to determine whether the Commission correctly applied the Student Government Association Bylaws and this Code, but shall not make determinations of facts already made by the Commission.