

# **Election Policy of the Student Government Association of the University of Maryland, Baltimore County**

## **Preamble**

This election policy represents the firm conviction of the Student Government Association (SGA) that student involvement in their civic community is essential to the distinctive undergraduate experience at UMBC. We believe that active participation in student government elections is a manifestation of a healthy civic community. This Election Policy encourages the implementation of creative, innovative election strategies that engage students to participate in their civic community while honoring and respecting the University's policies and regulations that provide for student safety and success.

With this in mind, and with the understanding SGA is beholden to the student body of UMBC, we affirm the following three objectives of this election policy:

1. Maximize voter turnout: SGA's mission is to both serve as the voice of all UMBC undergraduates and empower students to shape their own unique UMBC experiences. High voter turnout confirms SGA's success in achieving this mission and demonstrates to all audiences that students are engaged as civic contributors.
2. Ensure fairness and equity for candidates and voters: For students to get and remain engaged, they must have confidence that the elections are not corrupt, arbitrary or biased. Every vote must be freely cast without pressure or coercion. Every legally cast vote must count.
3. Minimize disruption to students and university functions: Campaigns must comply with university policies and must not damage SGA's reputation by causing undue disruption to students and staff.

Any interpretation of this election policy should uphold these three objectives.

### **Schedule of Elections**

An annual SGA election shall be held each spring semester to determine SGA's elected officers for the following academic year.

In accordance with the SGA Constitution and Bylaws, special elections may be called for the consideration of referenda by majority passage of legislation by the Senate and Finance Board jointly or by a majority vote of the Election Board. Special elections will also be held in the event that the Constitutional line of succession is exhausted and a new President must be elected.

### **Election Board**

All SGA campus-wide elections and referenda shall be conducted by a neutral student Election Board. Decisions of a majority of the Election Board regarding SGA elections shall be binding on the candidates and SGA.

The Election Board shall be comprised of an Election Board Chair and at least six other members, all with confirmation by both legislative bodies. In accordance with the SGA Bylaws, all Election Board members shall be selected for Senate and Finance Board confirmation by the Nominating Committee. The SGA Advisor shall be an ex-officio member of the Election Board (with a voice but no vote).

### **Duties of the Election Board Chair**

The Election Board Chair must comply with the following requirements in the running of elections in addition to the three objectives stated above:

- Certify and maintain the records of all candidates regarding eligibility and acknowledgement to abide by all election regulations.
- Select publicly accessible polling locations/methods and secure ballots during the elections and tabulation of results after the close of polling.

- Advertise SGA elections including polling locations, times, registered candidates and their campaign platforms, and referenda in advance of the elections.
- Publicly display a tabulation of candidates for each office 24 hours after the candidate filing deadline.
- Faithfully represent the Election Board in official communications with candidates, students, and community members.
- Inform voters and the UMBC community about the Election rules and regulations, and ensure that complaints about election conduct reach the Election Board.
- Bring every complaint about election misconduct before the entire Election Board for consideration, and respond substantively to every complaint.
- To facilitate a legitimate and equitable election, maintain an official Election Board complaint and communication platform that ensures that all complaints and communications, both internal and external, are accessible jointly by the Election Board Chair, the SGA Advisor, and every member of the Election Board. Every complaint concerning election misconduct must reach the entire Election Board without alteration.
- Ensure that every member of the Election Board (including the SGA Advisor) is invited to participate in meetings and discussions where the Election Board exercises its powers.
- Investigate complaints and gather evidence when an investigation is opened by the Election Board.
- Announce publicly and promptly when a candidate has been sanctioned by the Election Board for violating Election Policy or election rules and regulations. Such announcements should be a plain description of the facts of the misconduct and the rationale and process by which the Election Board came to its decision.
- Ensure that the process used to determine the winners in Executive office races through the instant runoff electoral system is clear and transparent to students. This requirement includes, but is not limited to, releasing complete information regarding the initial distribution of first-rank votes, the votes that are re-distributed through the instant runoff method, and the resulting final distribution of votes.
- Represent the SGA in any judicial proceeding regarding SGA elections.
- Publicly display final election results upon confirmation of the results by the Election Board. The Election Board will not confirm the results until all complaints, and appeals to the Appeals Board, are resolved.

The Election Board Chair may delegate tasks related to the above requirements to other members of the Election Board at the Chair's discretion, but the Election Board Chair is ultimately responsible for ensuring that the above requirements are met.

The Election Board Chair is also charged with the duty of reviewing and seeking amendment of all university policies to the extent that they conflict with the three objectives of this policy.

The Election Board Chair shall have discretion to make all administrative decisions which are necessary to fulfill the above requirements, excluding those reserved for the whole Election Board in the following section.

### **Powers of the Election Board**

The Election Board shall have the following powers, and can only exercise them by a majority vote of its entire membership, present or absent:

- Establish or amend the Election rules and regulations, which bind the conduct of candidates for office and their campaign affiliates.
- Determine the time, place, and manner of voting in elections.
- Allocate funds from the Election Board's budget, including the equitable distribution of SGA funds to candidates for campaign purposes.
- Dismiss complaints for lack of evidence or open an investigation. A majority vote is necessary to open an investigation. Anything less than a majority vote for opening an investigation will instead result in the complaint being dismissed.

- Hold a candidate, ticket, or group of candidates responsible for violating the Election rules and regulations, SGA policy, university policy, or any local, state, or federal laws.
- Sanction candidates, tickets, or groups of candidates that are found responsible for misconduct. Sanctions include but are not limited to heightened restrictions on campaigning and disqualification.

The Election Board shall only find a candidate(s), ticket, or group responsible for misconduct at the conclusion of an investigation. Those accused of misconduct must have the opportunity to respond to allegations of misconduct and submit contrary evidence. The Election Board shall employ a “more likely than not” standard when evaluating evidence.

No sanction besides disqualification can be stayed by filing an appeal with the Appeals Board.

### **Deliberation and Records**

Except when dismissing complaints for lack of evidence or opening an investigation, the Election Board shall only exercise the above powers after face-to-face deliberations, and only votes of Election Board members cast in-person will count.

The Election Board may choose to deliberate and vote to dismiss complaints or open an investigation via the Election Board’s complaint and communication platform endorsed and confirmed by the Election Board. All Election Board members (including the SGA Advisor) must be included on communications where these deliberations take place. Election Board members must clearly state their vote in favor of dismissal or investigation, and the Election Board Chair shall only take official action when a majority vote has been registered for opening an investigation or when the vote to open an investigation fails. Under no circumstances may the Election Board deliberate or vote except using the Election Board’s complaint and communication platform which is provided by the University and requires user-authentication.

When the Election Board exercises its powers by in-person voting, it shall record the proceeding, including the final tally of votes, and the signature of both the Election Board Chair and one witness.

After an Election Board’s term of office expires, the Election Board’s complaint and communication platform shall preserve all communications and votes, which shall be made available for archiving.

### **Election Board Member Removal**

All Election Board members, including the Chair, are impeachable on the following grounds: Intentional or reckless behavior that violates the objectives or principles of this policy or brings dishonor or disgrace upon the Election Board, the SGA, or the University. The impeachment process shall be conducted in a manner established by SGA’s guiding documents. Furthermore, all Election Board members, including the chair, may be removed at any time for any reason by a legislative vote of “no confidence.” A vote of “no confidence” shall take the form of joint legislation by the Finance Board and the Senate and require a 2/3 vote of the membership present to pass.

### **Candidate Eligibility**

Election candidates must meet the requirements of their particular offices as established by the SGA Guiding Documents. Additionally, all candidates must demonstrate their understanding of, and agreement to abide by all SGA guiding documents, university policies, and state and federal law prior to formal campaigning.

For the purpose of determining a candidate’s eligibility according to the ‘cumulative GPA’ requirements set forth in Article 5.3 - Eligibility Requirements of the SGA Constitution, the Election Board will use the ‘cumulative GPA’ listed on the candidate's transcript

*unless the candidate transferred to UMBC in the same semester in which the election will take place.* In that case, the Election Board will calculate a 'cumulative GPA' based on the courses the candidate

completed for letter grades at other colleges and universities, using the UMBC scale in which A = 4 grade points, B = 3, C = 2, D = 1 and F = 0 (and disregarding plusses and minuses).

No member of the Election Board or the Appeals Board is eligible to be a candidate for office.

## **Campaigning**

Campaigning must follow these guidelines, and the Election Board must maintain full compliance with these guidelines:

- Applications for elections shall be available at least six weeks before the elections
- At its discretion the Election Board can set the date when candidates may start campaigning as long as that date is at least two weeks prior to elections
- Campaigning and electioneering within 15 feet of any device collecting election votes is prohibited
- All candidates must adhere to the requirements set forth in all SGA Guiding Documents
- SGA funds may not be used for campaigning, unless allocated in a fair and equitable manner by the Election Board.

Any violation of SGA or UMBC policies, state laws and federal laws shall result in penalties as determined by the Election Board.

Prohibited actions include, but are not limited to:

- Falsifying any information transmitted to the Election Board
- Disobeying any Election Board order
- Destroying other candidates' campaign materials
- In-person campaigning on the Shady Grove satellite campus
- Intentionally or negligently making false statements about another candidate

## **Disqualification**

The Election Board may disqualify candidates, tickets, or groups of candidates as a sanction for misconduct. No candidate may be removed from the ballot after the voting period has begun. In the event that a candidate is disqualified during the voting period, the Election Board Chair must inform voters of the disqualification, but only after any appeal to the Appeals Board is resolved.

If the winning candidate is disqualified during or after the voting period, the runner-up (in the final vote distribution for instant-runoff contests) will be declared the winner.

On May 15th at 6:00 p.m. local time, winning candidates not disqualified by the Election Board will assume their offices.

## **Confirmation of Election Results**

The Election Board must confirm the election results. The Election Board will not confirm the results until all complaints, and appeals to the Appeals Board, are resolved. The Election

Board must confirm and publish the election results within six days of polls closing. On May 15th at 5:59 p.m. local time, the election results will be confirmed regardless of the consent of the Election Board.

Complaints of election misconduct must be filed with the Election Board within 24 hours of the closing of the election polls.

The Election Board must issue its decision about a complaint within 48 hours of the close of polls.

Appeals of disqualified candidates, tickets, or groups of candidates must be filed with the Appeals Board within 24 hours of the disqualification.

The Appeals Board must issue its decision to an appeal within 24 hours of any appeal hearing.

Failure to submit a complaint or appeal within the allotted time will waive and forego the complaint or appeal and render the election results without complaint or appeal.

### **Ambiguities**

In the event that SGA or UMBC policies, state laws, or federal laws are ambiguous in their application to a candidate or election issue, the Election Board shall resolve the ambiguity.

### **Adoption and Amendment**

As specified in the SGA Constitution, this Election Policy, and any amendments thereto, shall be adopted by 2/3 vote of the entire membership of the SGA Senate.