

The University Park Undergraduate Association (UPUA)
- Elections Code Act of 2008 -

ARTICLE I

NAME, SCOPE, AUTHORITY, AND DEFINITIONS

- §1.01 This Act shall be the Elections Code Act of 2008. It may be referenced as the Elections Code. Its dating shall not misconstrue the perpetual nature of the provisions contained herein.
- §1.02 The purpose of this act is to ensure a proper, fair, efficient and standard means of election for the members of the University Park Undergraduate Association (UPUA).
- §1.03 This act derives its authority from the UPUA Constitution and Bylaws, and shall be enforced wholly within the provisions of these documents.
- §1.04 In all cases where it can be done, the provisions of this Act are entirely severable in intent and meaning and any interpretation, modification, nullification, or removal of a part of this Act shall have no bearing on the Act as a whole or any other part.
- §1.05 The following references contained herein shall be defined as follows:
- 1.05.01 Act – The Elections Code Act of 2008 and its related amendments and appendices
- 1.05.02 Assembly – The Assembly of UPUA, as defined in the UPUA Bylaws.

ARTICLE II

THE ELECTION

- §2.01 Elections shall be held on the day prescribed by the Constitution unless the Assembly calls a Special Election. The specific date shall be denoted in Article XI. This Act shall have authority over elections held at any point in time, unless the Assembly renders a decision to the contrary.
- §2.02 Regardless of the nature of the election, all offices for which holders are selected outside the sphere of the organization shall be considered open for election. The following offices are considered to be subject to this provision and subsequently the subject of the election and governed by this Act:
- 2.02.01 The Chief Offices of the UPUA: President and Vice-President
- 2.02.02 Representatives of the Academic Units at University Park for undergraduate students, numbering to one for each of the following: the College of Agriculture Sciences, the College of Arts and Architecture, the Smeal College of Business, the College of Communications, the College of Earth and Mineral Sciences, the College of Education, the College of Engineering, the College of Health and Human Development, the College of Information Sciences and Technology, the College of the Liberal Arts, the Eberly College of Science, and the Division of Undergraduate Studies
- 2.02.03 Representatives for student residence communities, numbering to ten (10) for off-campus and six (3) for on-campus
- 2.02.04 At-Large Representatives, numbering to six
- §2.03 Each office shall be elected in accordance with the Constitution by all persons who are registered with the University as students of full-time, undergraduate status at the University Park Campus and further defined into constituencies for purposes of this Election, all of whom shall be considered voters. Candidates shall be those who

qualify as voters and as members of the constituencies that apply to the office(s) sought. Constituencies are defined as:

- 2.03.01 For the Chief Offices and At-Large Representatives, all full-time undergraduate students attending classes at University Park
- 2.03.02 For the Academic Unit Representatives, all persons in 2.03.01 registered with the Academic Unit as a member or degree-candidate.
- 2.03.03 For the On-Campus Representatives, all persons in 2.03.01 registered with the Assignment Office for Campus Residences as a current resident of a University-owned residence on University property.
- 2.03.04 For the Off-Campus Representatives, all persons in 2.03.01 who are not eligible for inclusion in 2.03.03.

ARTICLE III

ELECTION ADMINISTRATION AND OFFICIALS

§3.01 The Election shall be administered by an Elections Commission that shall have the responsibility to fulfill the provisions of this Act obligations of the Constitution and Bylaws, and will of the Assembly and the authority to execute the same.

§3.02 The Commission shall be comprised of:

- 3.02.01 Head Elections Commissioner
- 3.02.02 Deputy Commissioner for Candidacy
- 3.02.03 Deputy Commissioner for Campaigning
- 3.02.04 Deputy Commissioner for Voting and Publicity
- 3.02.05 Deputy Commissioner for Information Technology
- 3.02.06 Deputy Commissioner for Administration and Advocacy

§3.03 Duties of all Commissioners shall include but not be limited to:

- 3.03.01 Serving office hours according to a schedule to be determined by the Head Elections Commissioner,
- 3.03.02 Working all Election events, including stamping sessions,
- 3.03.03 Engaging in honorable action as is necessary for the efficient and fair conduct of the Election and fulfillment of office-specific duties.

§3.04 Duties specific to the Head Commissioner shall include:

- 3.04.01 Assignment of responsibilities to each member of the Commission as are necessary for the efficient and fair conduct of the Election,
- 3.04.02 Supervision of the members of the Commission in the performance of their duties,
- 3.04.03 Acting as the official representative of the elections commission to all interested parties,
- 3.04.04 Developing an Election Budget and submit it to the Assembly for approval and disbursement of funds.
- 3.04.05 Providing a summary report of the election to the The Internal Development Standing Committee no later than eight (8) academic days following the Election.
- 3.04.06 Contacting all Academic Councils to propose an agreement that their student senator seats be given to the UPUA Representative from that college. This effectively allows the UPUA to run their Student Senator elections under this code.

§3.05 Duties specific to the Deputy Commissioner for Candidacy shall include:

- 3.05.01 Distributing candidacy materials to students, accepting preliminary materials and registering students as Registrants, and accepting from Registrants all materials related to candidacy and ballot placement,
 - 3.05.02 Ensuring the qualifications of all students for the office for which they are running through a sufficient audit of information and petitions,
 - 3.05.03 Ensuring compliance with all rules related to candidacy and filing violations with the Deputy Commissioner for Administration and Advocacy for consideration.
- §3.06 Duties specific to the Deputy Commissioner for Campaigning shall include:
- 3.06.01 Educating all candidates on matters related to campaigning rules, violations and the UPUA Constitution, respective entity Bylaws, and other governing documents.
 - 3.06.02 Organizing and implementing at least three (3) events, herein considered stamping sessions, at which candidates may receive approval and mark their campaign materials, the length of which shall be no less than two (2) hours,
 - 3.06.03 Collecting from all candidates financial statement information and auditing such information for compliance with this Act.
 - 3.06.04 Ensuring compliance with all rules related to campaigning and filing violations with the Deputy Commissioner for Administration and Advocacy for consideration.
- §3.07 Duties specific to the Deputy Commissioner for Voting and Publicity shall include:
- 3.07.01 Publicizing the time, place and manner of elections to the student body,
 - 3.07.01.01 This shall include but not be limited to mandatory Collegian advertising of elections, Lion Radio advertisements, flyering main buildings, ballooning of the mall, and hanging banners in high traffic areas.
 - 3.07.02 Publicizing the available seats within the UPUA and the manner in which one may seek candidacy,
 - 3.07.03 Actively encouraging as many eligible students to seek election as possible (including holding at least two informative recruitment sessions at least five academic days prior to the start of registration. They shall be advertised),
 - 3.07.04 Actively encouraging as many eligible students to vote in the election as possible,
 - 3.07.05 Organizing the observation of University computer labs and classrooms for compliance with this act by candidates, campaigns, and students. Fulfillment of this duty may include the selection of volunteer poll workers for Election Day who shall be solely authorized to enforce compliance with rules related to classrooms and computer labs.
 - 3.07.06 Organizing at least two “Meet the Candidates” sessions, allowing members of the student body to gather with candidates, on University Grounds and at least two Presidential/Vice-Presidential debates, the dates of which shall be set prior to the start of the election cycle but need not be set in Article XI.
- §3.08 Duties specific to the Deputy Commissioner for Information Technology shall include:

- 3.08.01 Designing and implementing a website, in accordance with the provisions of this Act, displaying all pertinent elections information and all forms, documents, and materials necessary for candidacy including:
 - 3.08.01.01 Creating an online voter's guide with information about all candidates,
 - 3.08.02 Ensuring the functionality of that Website throughout the duration of Elections,
 - 3.08.03 Coordinating with the Student Affairs IT Department to maintain election systems.
- §3.09 Duties specific to the Deputy Commissioner for Administration and Advocacy shall include:
- 3.09.01 Administering the process for handling violations of this Act by candidates, campaigns, and students.
 - 3.09.02 Providing specific information to candidates on the rules of this Act and their interpretations at a meeting held immediately preceding the first stamping session.
 - 3.09.03 Providing suspected violators of this Act with information on the violation and options for seeking remedy.
- §3.10 All members of the Commission are expected to have a working knowledge of this Act and are expected to provide correct and agreed information to candidates and other interested parties. No Commissioner should undertake an action or provide information that is not in their expertise or for which there is not certainty. All Commissioners are joint and severally liable for the wrong doings of Commissioners and the Commission as a whole.
- §3.11 No individual of any relation to the UPUA or the University who is not a person in §3.02 may pose as such. No person other than a Commissioner may hold him/herself out as a Commissioner or act in a manner that would cause a reasonable student to presume the same.
- §3.12 The following shall govern the selection of persons to the offices of §3.02:
- 3.12.01 Applications for each position shall be provided to the student public by the UPUA President.
 - 3.12.02 Applicants shall be interviewed by the Internal Development Standing Committee in a consistent manner. Once commissioners have been nominated by the ID committee, they may perform their duties in a temporary fashion until they can be confirmed by the assembly as a whole at the next general meeting of the association.
- §3.13 The following independence provisions shall be in place and applicable to all officials from time of application for office and to poll workers from time of their selection.
- 3.13.01 No Commissioner or poll worker shall be affiliated in fact or appearance with any candidate for office or campaign, which includes providing aid or causing harm.
 - 3.13.02 No Commissioner or poll worker shall be a candidate for any office as defined in §2.02.
 - 3.13.03 No Commissioner shall be eligible for appointment to any UPUA office until

one full fall or spring semester has passed following the election of service.
This provision shall not lift should a Commissioner depart office.

- §3.14 Should a Commissioner violate this Act or be in potential violation, upon referral the Commissioner shall be subject to review of the Internal Development Standing Committee. The Committee may remove the individual in question from office by a 2/3rds vote.
- §3.15 Replacement Commissioners shall be selected from the original pool of applicants by the Internal Development Standing Committee with a simple majority vote.
- §3.16 Elections Commissioners shall serve for the shorter of the time from appointment until either discharge from service by the Internal Development Standing Committee following certification of results or the selection of a replacement. Discharge shall be effective upon the adjournment of the first meeting of the new Association.
- §3.17 Upon closure of the of the Elections with submission of the summary report, the Assembly the Commissioners will be compensated for their services. The total compensation disbursed shall not exceed One-thousand USD (\$1,000).
- 3.17.01 The Assembly will not compensate any member of the commission who fails to satisfy the stipulated responsibilities of this Act.

ARTICLE IV

REGISTRATION AND CANDIDACY

- §4.01 All eligible students seeking an office under §2.02 shall be required to engage and fulfill the requirements of this Article.
- §4.02 An individual who wishes to pursue an office subject to election shall present his or her preliminary qualifications. to the Deputy Commissioner for Candidacy between the period of ten (10) to fifteen (15) academic days prior to Election Day, hereinafter called the Registration Period.
- §4.03 Individuals shall be considered qualified to register for candidacy upon presentation of a copy of the PSU ID+ Card and proof of the following qualifications:
- 4.03.01 Status as a Full-Time Undergraduate student attending classes at the University Park campus or enrolled and participating in a Education Abroad program approved by the Office of Education abroad and for which the participant's degree-seeking (or home) campus is University Park at the time of Election.
- 4.03.02 Holding of Good Academic Standing in accordance with Faculty Senate and University Registrar policies, which shall be noted as a minimum cumulative grade point average of 2.0 (C).
- 4.03.03 For individuals seeking offices in 2.02.02, membership during the term of office in the Academic Unit.
- 4.03.03.01 Membership for the Division of Undergraduate Students (DUS) is defined as anyone who in currently, or previously, a member of DUS.
- 4.03.04 For individuals seeking offices in 2.02.03, residence during the term of office in the appropriate area.
- 4.03.05 No student who has ever been found responsible by Judicial Affairs for a violation or violations of Penn State's Code of Conduct for which the sanction rendered to the student was/were Deferred Expulsion or higher

shall be eligible to run for the Office of President or Vice President of the UPUA. Presidential and Vice Presidential Candidates must sign a release to allow the Elections Commission to ensure they do not have a Deferred Expulsion (or higher sanction) on their Judicial Affairs records.

- 4.03.06 For students on Education Abroad in the context of §4.03.01, in cases where interest is for a Chief Office, the student who is present at University Park shall engage in the fulfillment of the requirements of this Article on behalf of the student who is abroad. For interest in a representative seat, the student abroad may authorize one student who is not already a Registrant or Candidate to engage in the fulfillment of the requirements of this Article on behalf of the student who is abroad.
- 4.03.07 Attendance at University Park for two (2) semesters for the offices of President and Vice President and one (1) semester for all other offices.
- §4.04 For the purposes of Registration, Candidacy, and all other matters including voting, the offices of President and Vice President shall be considered a ticket, and a ticket must include a different candidate for President and Vice President. No individual may run on more than one ticket, nor may any individual run for both offices in a single ticket. The individuals on the ticket shall be joint and severally liable for each other, and the disqualification, resignation, or removal of one member of the ticket shall void the ticket as a whole.
- §4.05 Upon submission and validation of qualifications under §4.03, the individual shall be considered registered for the Election and classified as a Registrant. The individual shall be entitled to receive a copy of this Act, the UPUA Constitution, and UPUA Bylaws.
- §4.06 Registrants shall complete and submit for validation to the Commission the following to become Candidates for their respective offices and placed on the Election Ballot:
- 4.06.01 A platform statement, not to exceed three-hundred words for a President/Vice President Ticket or two-hundred words for all other offices.
- 4.06.02 A petition of signatures from registered undergraduate students at University Park with a minimum of two-hundred fifty signatures for a President/Vice-President Ticket or a minimum of one-hundred signatures for all other offices. The petition shall require from each signatory the printed name and PSU User ID (ex. abc5123).
- 4.06.03 Attend a mandatory candidate certification training session that reviews in entirety the UPUA Constitution, Bylaws, this Act, other governing documents, time commitments as a member of the UPUA (administrative committee, officers, student senators, etc.), the legislative process, and all necessary information that is required to be a successful candidate and elected student leader.
- 4.06.04 Submit campaign, volunteer, and staff names affiliated with campaigns. It is the responsibility of the campaigns to maintain an accurate record of staff to avoid a violation of this Act.
- §4.07 During the Registration Period registrants shall be permitted to engage in the following actions, subject to all rules governing candidates, provided that such acts do not overtly constitute campaigning.

- 4.07.01 Petitioning
 - 4.07.02 Seeking a campaign staff and organizing campaign plans
 - 4.07.03 Partaking in the solicitation of endorsements in the context of Article IX
 - 4.07.04 Purchasing and designing campaigning materials.
 - 4.07.05 Express the intent to seek election (and campaign goals) for the purposes of §4.07.04 and §4.07.01.
- §4.08 An individual seeking office may only register to be a candidate for one office in §2.02. Once an individual fulfills all requirements for candidacy and thus becomes a candidate for a specific office, the individual may not change to a different office, except in the case of changes in residence area seats or in Academic Unit seats, in which cases registrants must fulfill all qualifications for the new office.
- §4.09 Campaigns may register a color for their campaign materials with the Election Commission on a first come first serve basis. The Election Commission shall maintain a list of campaigns and the color they have registered in order to facilitate campaign activities. Registration of a color by one campaign shall not limit the use of that color by another campaign.
- §4.10 The Commission shall select an official color for use in advertising, attire, and other business. The color chosen shall be selected by the first day of Registration. The color chosen may not be used by any campaign; however if a conflict in colors arises through no fault of either party, the Commission shall undertake reasonable efforts to modify its practices, but is under no obligation to take action. No individual or group related to the Elections or this Act is responsible for damages caused through the purchase of materials of any reserved color.

**ARTICLE V
CAMPAIGNING**

- §5.01 Campaigning shall be defined as any action undertaken by a candidate or on behalf of a candidate in a public venue or a public manner which deliberately or inadvertently:
- 5.01.01 Increases recognition of a candidate's name or platform among some or all members of the student body,
 - 5.01.02 Increases or encourages the goodwill or sympathy towards a candidate or campaign by some, or all members, of the student body,
 - 5.01.03 Encourages or exhorts some or all members of the student body to vote for the candidate (requirement waived for petitioning),
 - 5.01.04 Describes the candidate's beliefs, affiliations or character to some or all members of the student body,
 - 5.01.05 Displays or distributes any information about the candidate, the position for which he or she is a candidate, his or her position on the ballot or any other information which would facilitate the casting of a vote for the candidate.
- §5.02 The public distribution or placement of an object shall constitute campaigning if the object itself accomplishes anything in §5.01.
- §5.03 Anything in a fixed, tangible form that is non-living and accomplishes anything in §5.01 must be registered with Commission and be stamped with a seal approved by the Commission at a Stamping Session to indicate such registration.
- 5.03.01 All stamps shall be kept secure by the Commission when not provided for use at stamping sessions.

- 5.03.02 No stamping may be allowed at any time outside of stamping sessions.
- 5.03.03 All stamping sessions must be open to all candidates.
- 5.03.04 Persons conducting stamping may only be in possession of one stamp while stamping, and must have their IDs retained by the Commission while engaging in stamping.
- 5.03.05 All items stamped shall be counted by the candidate/campaign and verified by the Commission. A record of items stamped shall be kept by the Commission for reconciliation against financial information.
- §5.04 All clothing serving as a campaign item must be numbered and initialed by the Deputy Commissioner for Campaigning in permanent ink. The number of clothing in circulation shall be maintained by the Commission and used in enforcement of this Act.
- §5.05 Candidates and Campaigns shall be required to adhere to all University Policies and all Local, State, and Federal Laws. Additionally, Candidates shall not engage in any of the following:
 - 5.05.01 Making slanderous remarks in the public about another candidate, or encouraging others to make such remarks,
 - 5.05.02 Encouraging or inspiring prejudice against another candidate on account of membership in any class protected by the Penn State non-discrimination statement or Law,
 - 5.05.03 Posting campaign paraphernalia on surfaces specifically prohibited by University Policy,
 - 5.05.04 Engaging in the removal, destruction, or mutilation of another candidate's campaign paraphernalia or to encourage others to perform such acts,
 - 5.05.05 Willingly and/or knowingly distorting another candidate's platform or view to others,
 - 5.05.06 Covering any other campaign paraphernalia.
- §5.06 It shall be prohibited to campaign in classrooms when classes are in session at any time, or in computer labs and buildings containing polling places (i.e. the HUB, etc.) on Election Day or within 10 feet of entrances and exits to either. This includes the wearing of clothing. The following shall be exceptions:
 - 5.06.01 Campaign paraphernalia that is fixed to an item (such as board) in a classroom may be present in the classroom during class sessions provided that it is not a distraction to the class environment nor is it referenced in an ongoing class.
 - 5.06.02 Candidates may request permission to announce their candidacy prior to the start of a class or immediately following a class provided that all individuals are awarded the opportunity to do so.
 - 5.06.03 Clothing may be worn in a classroom for which the individual wearing has a class at the current time, provided that it is not intentionally put into motion or draws attention.
 - 5.06.04 Bulletin boards that exist outside computer labs may be utilized provided that the portion used falls outside five (5) feet of the entrance or exit of the computer lab.

- §5.07 Campaigns may have a campaign manager serve as a contact point for the Commission and also be authorized to submit financial statements and engage in stamping.
- §5.08 Campaigning shall be limited in duration from 5:00 AM EST/EDT ten (10) academic days prior to Election Day until the close of the polls on Election Day.
- §5.09 Offices throughout the University of any kind may at their discretion register with the Commission as Campaign-Free-Zones. It shall be a violation to engage in campaigning in such a zone, which shall be treated as if the zone were a classroom with a class in session. The Office of the Elections Commission and the UPUA Office shall be Campaign-Free-Zones.

ARTICLE VI
ACCOUNTING

- §6.01 Candidates shall be limited in the value of their campaign materials. Candidates shall complete Financial Statements and remit them to the Commission at fixed times so that a proper accounting may be maintained and reviewed.
- §6.02 Limits on the total value of a campaign shall be:
- 6.02.01 Six-hundred USD (\$600) for a President/Vice President joint ticket;
 - 6.02.02 Three-hundred USD (\$300) for an At-Large Representative;
 - 6.02.03 Two-hundred USD (\$200) for all other offices in §2.02.
- §6.03 Candidates/Campaigns shall account for any and all of the following, hereinafter considered "assets":
- 6.03.01 All goods and services purchased or attained through non-monetary exchanges. In the case of rentals, only the value in proportion to use in campaigning shall be required to be assessed,
 - 6.03.02 Previously owned items
 - 6.03.03 Any other tangible or intangible assignable to a candidate/campaign which can be separated from the candidate/campaign, assessed a monetary value, and consumed in the course of campaigning of at least 75% of its value.
- §6.04 Assets shall be initially valued at the actual price paid listed on the receipt received by the purchaser, hereinafter considered Real Price, except in the following situations:
- 6.04.01 The price paid for the item purchased was, at the time the item was purchased, not available to the general public.
 - 6.04.02 The Real Price of the item is unable to be determined.
- §6.05 Candidates shall be expected to provide appropriate receipts or supporting information for Real Price assessment. It shall be prohibited to avoid or attempt to avoid Real Price assessment when it is possible. It is a violation of this Act to withhold from the Commission any financial information not protected by Law or University Policy.
- §6.06 In the case that Real Price is not charged against the candidates spending limit, the Fair Market Value shall be charged. The Elections Commission shall have authority to determine the value based on the information obtained. Fair Market Value shall be determined in the following fashion:
- 6.06.01 The candidate shall obtain at least one (1) bid; which must reflect a price that would be available to all members of the general public.

- 6.06.02 The lower of the submitted bids shall be considered the fair market value for the item in question.
- §6.07 The following goods and services shall be exempt from assessment:
- 6.07.01 Professional services, consulting, performance or design rendered without charge
 - 6.07.02 Production equipment owned by the candidate that is used to generate campaign paraphernalia
 - 6.07.03 The appreciation in value of a good attributable to the efforts of a campaign that constitutes excess of whole value over sum of parts
 - 6.07.04 Media coverage that arises out of the section or department of media outlet that is not involved in the sale of advertising or underwriting
 - 6.07.05 The use of resources on the Internet that is free to the general public or the use of software, hardware, or Internet resources available for free from Penn State, except for printing pages.
- §6.08 Candidates shall submit to the Deputy Commissioner for Campaigning a financial statement every five calendar days denoting total campaign value and change in value over time, the specific days and times of which shall be set in Article XI. The statements must be signed by the candidate(s) and submitted either by the candidates or by a campaign manager, who must also sign the statements.

ARTICLE VII

ENFORCEMENT, PENALTIES, AND DISQUALIFICATION

- §7.01 All persons affiliated with the University shall be permitted to seek action against a Candidate for violation of this Act through reporting to the Deputy Commissioner for Administration and Advocacy. No individual other than a Commissioner may enforce this act.
- §7.02 Only violations of this Act by persons registered as campaign staff or candidates shall be considered permissible for penalties against campaigns. This does not, however, limit the Commission from charging a campaign with intentional failure to register students and the violation, which both would constitute a violation of this Act. All other actors shall be referred to the proper authorities outside the jurisdiction of the UPUA.
- §7.03 Violations shall be received by the Deputy Commissioner for Administration and Advocacy and promptly investigated. The Commissioner shall notify the candidate in question of the charge of violation of this act and provide necessary assistance and information. The candidate will be required to submit plea of guilt or innocence to the charge(s) and all parties must provide all testimony and evidence to the other parties whenever it become available to facilitate adjudication. All information gathering shall be done within two days of the violation's report. A majority of the Commission may overturn the decision to prosecute the charges that had been made by the Deputy Commissioner for Administration and Advocacy All charges shall be explained in detail in writing.
- §7.04 Candidates who violate this act shall have their campaign spending limit reduced according to the formula $(x*y) + z \%$ where:
- 7.03.01 X is a number between 1 and 10 to be determined at the discretion of the Commission according to the severity of the violation
 - 7.03.02 Y is the number of times the campaign has been found guilty of the specific

type of violation of the Act including the current violation.

- 7.03.03 Z is the sum of the X values employed in assessing violations prior to the currently assessed violation; however Z shall be 0 when Y is greater than 1
- 7.03.04 The Commission shall judge severity based upon the advantage gained by the campaign by the violation of the rules, the candidate's intent and the amount of harm, if any, caused to community members, the University, or other parties
- §7.05 If a candidate exceeds the value limit imposed by §6.02 his or her candidacy shall be disqualified.
- §7.06 A candidate may be removed from the election by the commission if they determine that the candidate or ticket does not meet the requirements for candidacy outlined in Article IV.
- §7.07 Determination of guilt or innocence shall be determined by the Elections Hearing Board, who shall exist for the sole purpose of hearing charges of violation of this Act and who shall have jurisdiction on elections violations. The Board of Arbitration shall be the sole appeals Board to the Elections Hearing Board. *~The Board of Arbitration will not exist in until the 2008/2009 school year and as such there will be NO appeals during the Spring 2008 election.*
- 7.06.01 The Board shall consist of five undergraduate students, selected at the same time as the Commission by the Assembly. Preference in selection shall be given first to members of the Association not seeking re-election, and second to members of the at-large student body graduating at the end of the semester.
- 7.06.02 There shall be a nonvoting chair of the Elections Hearing Board, with first priority given to the Board of Arbitration. Otherwise the chair shall be appointed with the other members by the Assembly.
- 7.06.03 The Board shall render decisions based on the reasonable voter standard and require a burden of proof of clear and convincing evidence within two days.
- 7.06.04 The provisions of Article III shall apply to the Board as appropriate.
- §7.08 All violations and appeals shall be closed by the deadline for certified election results

ARTICLE VIII

VOTING

- §8.01 The official voting system for Elections will be: <https://elections.psu.edu>. Voting shall be administered from this site under observation and review of the Commission. The official elections homepage shall be <http://vote.psu.edu>. This site shall be the information source for all elections matters.
- §8.02 Voters may vote at any computer with Internet access to the Penn State network and the servers running the voting system. Any computer owned and operated by Penn State University or owned by an individual that is not in a Computer Lab or Classroom and is held out as a place of voting shall be considered a public polling place. The following rules shall govern public polling places.
- 8.02.01 Any computer owned and operated by Penn State University in a student public venue such as the kiosks in the Hetzel Union Building (HUB) shall be governed by the rules for campaigning in and in the vicinity of computer

labs.

8.02.02 The Commission shall have the power to establish public polling places in the HUB, Area Commons, and any other area as it sees fit as University Policy permits. Any public polling place established by the Elections Commission shall be governed by the rules for campaigning in and in the vicinity of computer labs.

8.02.03 It shall be a violation of this Act for anyone other than the Elections Commission to establish a Public Polling Place. Public polling places shall be considered campaign free zones.

§8.03 Prior to Election Day, the Deputy Commissioner for Information Technology shall obtain from Student Affairs Information Technology, a standard operating procedure of the voting system and paper version of the ballot and shall review these items to ensure compliance with the provisions of this article. The Commissioner shall have on hand knowledge to ensure adequate controls exist to prevent over votes and illegal votes and to ensure voters are reminded to fully complete votes. Within three academic days prior to the election, the Election Commission shall ensure that the online voting system is fully functional, with all candidates listed correctly.

§8.04 The elections system shall accept votes from 6:00 AM until 10:00 PM on Election Day from persons who qualify as voters under Article II. Persons not qualified shall be prevented from accessing the voting system.

§8.05 The elections homepage shall list each position for which the student is eligible to vote with the candidates in alphabetical order with links to platform statements and on request campaign websites. Additionally, any printed media shall list candidates in alphabetical order.

§8.06 Names of candidates for an office shall be listed in random order. Once an eligible student has been placed on a ballot his/her name may not be removed from the ballot. If a candidate violates this act in such a way as to disqualify his/her candidacy, his/her name shall appear on the ballot as "disqualified" and students may not vote for them.

§8.07 After the listing of declared candidates, there shall be a means to cast a write in vote for each office with disclosure of §8.08. If an office has less than the number of seats plus one candidates, such a deficiency shall be noted to voters on their ballot through at a minimum the disclosure of §8.13.

§8.08 Write-in votes shall be aggregated on the basis of reasonable assurance that a voter voted for a specific individual regardless of how the name is portrayed if that individual can be reasonably determined. Voters shall be advised to write all names in as ["First Name"<space> "Last Name."] The inclusion of middle names or initials or simple misspellings shall be excused and therefore appropriately aggregated by the Commission in counting.

§8.09 If the voter fails to vote for enough candidates to fill all available seats for a specific office, then the votes cast shall be counted, but the votes not cast shall be forfeited.

§8.10 Voters may cast as many votes for candidates as there are positions to be filled. If a voter casts more votes than there are positions, that portion of their ballot shall not be counted, but the rest of the ballot shall be counted..

- §8.11 Voters shall not be able to cast more than one ballot. Voters found to have cast more than one ballot shall none of their ballots counted.
- §8.12 At the conclusion of the Election, the Deputy Commissioner of Information Technology shall compile a report listing all of the candidates for each office and the number of votes received. The Commission shall meet to approve the report and compile the preliminary results, but no person shall be entitled to office on the basis of these preliminary results. The advisor of UPUA and a representative of the student newspaper who is not a member of the editorial staff, may be present at this meeting.
- §8.13 For each office, the cumulative vote total must be 7 percent of the eligible voting population for a candidate for that office to be considered elected. This threshold shall be determined by the Commission consulting the appropriate university authorities.
- §8.14 For any given office, there may only be as many winners as there are available seats. No person shall be eligible to take a seat if for whatever reason there is a dispute involving too many winners. In the cases of which affect who may be declared a winner, the tie shall be broken in a runoff election held within one week in accordance with the UPUA Constitution. The runoff election shall follow the provisions of this Act as appropriate.
- §8.15 The following shall govern the request for recounts:
- 8.15.01A recount may be taken at the written demand of any of the following: Two thirds of the Commission, Two-thirds of the Assembly, or two-fifths of all candidates running for any position in the election.
 - 8.15.02 A recount may not be called more than two (2) academic days after the preliminary announcement of the Elections results.
 - 8.13.03 A recount may be called by a petition of 1,500 undergraduate University Park students.
 - 8.15.04 The that body called for recount must specify the position for which this action should take place with a document that needs to be presented to the Head Elections Commissioner with the timeline indicated in 8.15.02.
- §8.16 The following procedure shall be used in the recounting of votes:
- 8.16.01 The recount shall begin within thirty-six (36) hours of demand.
 - 8.16.02The time and place of the recount shall be posted in a public place and the recount shall be open to the public, including the media, though the number of members of the public and media may be limited. All candidates shall be permitted to attend the recount.
 - 8.16.03 The recount shall be conducted by the Head Elections Commissioner, Deputy Commissioner for Voting and Publicity, and Deputy Commissioner for Information Technology.
 - 8.16.04 Prior to the start of the recount, all of the electronic ballots shall be printed.
 - 8.14.05 Individuals conducting the recount shall each examine a different 1/3 of the ballots.
 - 8.16.06 Should the results of the recount differ from the initial results, the individuals conducting the recount shall each count a different 1/3 of the ballots than they had previously counted. If the second count yields a

different number, the entire process shall continue. When two consecutive counts yield the same result, that result shall be considered the recounted results and eligible for certification.

- §8.17 Within two (2) academic days following the expiration of the recount period or when such period has passed, a recount having nonetheless been conducted, the Commission shall certify with their original signatures the results and present such certification and the results in their entirety to the Assembly. The certified results shall be used to award offices immediately upon certification.
- §8.18 If an individual is entitled to more than one office, the individual shall be notified immediately, and the individual shall have twenty-four hours from notice to submit to the Head Elections Commission written acceptance of a specific office or decline of all offices.
- §8.19 Should an office be awarded at certification of the results, and prior to the installation of members the award is declined, the next eligible person under §8.13 shall be entitled to the office. In no circumstance where such a subsequent awarding can be done may the office be opened to appointment until all eligible persons are exhausted.
- §8.20 The certified results shall be retained by the organization for two academic years, after which the results shall be archived with University Libraries.
- §8.21 During the time in which the polls are open, all voters shall be entitled the following rights. If a voter feels these rights have been violated, they shall be entitled to seek recourse with the Election Commission.
- 8.21.01 The right to vote for any eligible candidate
- 8.21.02 The right to have one's vote recorded, tallied and reported accurately as part of the elections results;
- 8.21.03 The right to vote anonymously;
- 8.21.04 The right to inquire with the Commission into the rules and interpretations of this Act and conduct of the Election subject to withholding of disclosure that would otherwise put the election at risk;
- 8.21.05 Voters shall be entitled to exercise these rights freely and without fear of harm.

ARTICLE IX ENDORSEMENTS

- §9.01 Candidates who support the election of other candidates, and who wish to conduct campaign activity jointly, may form groups through mutual endorsement.
- §9.02 Any candidate who wishes to formally endorse the candidacy of another candidate must register their endorsement with the Election Commission in writing. All endorsements must be mutual. Endorsements may be extended or withdrawn at anytime, in writing. Only candidates formally endorsing each other's candidacy may materially support each others' campaigns.
- §9.03 Candidates may not endorse more candidates running for a position than there are positions available.
- §9.04 Candidates shall not knowingly give the impression that an endorsement exists if it does not. Any word or deed to the contrary shall be considered a violation of this act, the penalty for which shall be determined by the Election Commission in accordance with this act.

- §9.05 Candidates entered into mutual endorsement with other candidates may choose to conduct campaign activities in concert. The full value of any materials advocating the election of more than one candidate shall be assessed against the spending limit of each candidate separately.
- §9.06 Any campaign materials must clearly display the name of at least one candidate .
- §9.07 If any candidates entered into mutual endorsements with other candidates choose to act in concert, all candidates shall be considered responsible and liable for any campaign activities that advocate for their group as a whole and materials upon which a group name appears.
- §9.08 Any Recognized Student Organization (RSO) may endorse candidates. RSOs include, but are not limited to, clubs under the Center for Student Engagement, groups under the Center for Ethics and Religious Affairs, and Fraternities and Sororities under the Office of Fraternity and Sorority Life.
- §9.09 An RSO may only endorse one candidate for every specific seat available under a given office and may not have more endorsements for a particular office than there are seats nor more endorsements than the number of total seats.
- §9.10 RSOs are required to register endorsements of candidates with the Election Commission prior to offering selective benefits to that candidate. In registering or withdrawing an endorsement, the RSO must provide the Election Commission written communication signed by its chief officer and another officer. RSOs may extend or withdraw endorsement of candidates at any time during an election
- §9.11 Selective benefits an RSO may provide to candidates shall include, but are not limited to: use of the organization's listserv to advocate for the election of the candidate, use of organizational funds to support a candidate, and providing an exclusive venue for a candidate to conduct campaign activities.
- §9.12 Associated Committees of the UPUA may not endorse candidates.
- §9.13 In no way shall any provisions regarding RSO endorsement of candidates be construed as limiting the conduct of those affiliated with the RSO, the sole exception being that anyone affiliated with an RSO shall not intentionally and explicitly misrepresent an RSO as endorsing a candidate if no such endorsement exists.

ARTICLE X

RATIFICATION AND AMENDMENTS

- §10.01 This Act, having been created, amended, and reviewed by the Internal Development Standing Committee shall be endorsed by said Committee and presented to the Assemble for consideration and final approval.
- §10.02 The Assembly may in initial consideration of this Act make amendments with a vote of a simple majority.
- §10.03 A two-thirds majority of those present and voting in the Assembly shall be sufficient for Ratification of this Act and subsequent authorization for the carrying out of its content.
- §10.04 Amendments made after initial approval shall require a two-thirds majority of those present and voting.
- §10.05 The power to amend this Act at any time shall not be construed, under any circumstances, as allowing for the ex-post-facto application of provisions amended to it, nor shall the removal of a provision in this Act negate a culpability for violations occurring prior to that removal.

ARTICLE XI
TIMETABLE

- §11.01 The remaining sections of this article shall list the specific dates applicable to the upcoming election. The dates shall conform to all provisions of this Act, UPUA policy, and University policy as appropriate.
- §11.02 Election Day shall be Wednesday, March 26, 2008
- §11.03 Campaigning shall run from 5:00 AM EST/EDT, Monday, March 17, 2008 through 10:00 PM EST/EDT, Tuesday, March 25, 2008
- §11.04 Registration shall run from 8:00 AM EST/EDT, Monday February 25, 2008 through 5:00 PM EST/EDT, Friday, March 7, 2008.
- §11.05 Stamping Sessions shall be held on:
- 11.05.01 Monday, March 17, 2008
 - 11.05.02 Thursday, March 20, 2008
 - 11.05.03 Monday, March 24, 2008
- §11.06 Financial Statements shall be due at 3:00 PM EST/EDT on:
- 11.06.01 Monday, March 17, 2008
 - 11.06.02 Thursday, March 20, 2008
 - 11.06.03 Wednesday, March 26, 2008
- §11.07 The recount period shall run from the close of the polls until 5:00 PM EST/EDT on Monday, March 31, 2008
- §11.08 The certification deadline should no recount be called shall be 12:00 PM EST/EDT on Monday, March 31, 2008
- §11.09 Candidate Required Information Session(s)
- 11.09.01 Week of Monday, March 3, 2008
 - 11.09.01.01 Exact date and time to be determined by the commission prior to, and included within, advertisement for all open offices
- §11.10 Initial Meeting of the Assembly (Swearing in of Chief Officers and Representatives)