

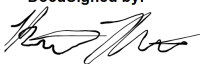


**University of Colorado Boulder
Student Government
(CUSG)**

Fall 2022 Election Code

Last Amended by 97LCB07, September 15, 2022

I hereby affirm that this is a true and accurate representation of the CUSG Election Code that shall govern the Fall 2022 CUSG election.

DocuSigned by:

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Poormina Ramesh, Election Commissioner

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Chapter 1 – General Provisions

Section 101: Definitions

1. The following definitions shall be used throughout the following Code.
 - a. The terms below and others throughout the document are subject to their dictionary definitions, and in construing these terms, preference shall be given to their ordinary meaning and the intent of the Election Code to foster open, fair, and efficient elections.
 - b. Construction of the terms below is not reliant upon Federal or State statutes, election laws, regulations, or judicial opinions.
2. Definitions:
 - a. CUSG or CUSG Proper: University of Colorado Student Government, including the Executive, Judicial, and Legislative Branches
 - b. Executive(s): The Executive(s) is prescribed under Article II, Section A of the CU Student Government Constitution. Two or more persons collectively seeking the Executive(s) in a manner provided for by Article II, Section A of the CUSG the Constitution shall collectively constitute the Executive(s) as though they were one.
 - c. Representative-at-Large: A Representative-at-Large is a member or candidate for office within the Representative Council and the Legislative Council.
 - d. Election: The election shall be defined as the time designated by the Election Commission and the Legislative Council during which voters may cast their votes for candidates on a ballot.
 - e. Campaign: The Campaign for a CU Student Government office shall begin immediately following the Candidates Meeting and end with the certification of the election result by the Election Commission.
 - f. Polling: The solicitation of an eligible voter to cast their vote while at the same time providing the physical means to vote.
 - g. Members of the CU Student Government: Any CU Student Government base fee-paying students.
 - h. Normal Campaign Materials: Buttons, pins, stickers, handbills, flyers, poster informational sheets, or business cards.
 - i. Neutral CU Student Government Polling Place: A polling place set up under the auspices of the Election Commission for Polling students in a neutral way (not affiliated or run by any candidate, Ticket, or Movement).
 - j. Movement: Anyone or any organization that is not a candidate or Ticket advocating for a ballot measure's approval or defeat.
 - k. Tabling: The use of a table to promote an Independent Candidate, a Ticket, or a Movement.
 - l. Ticket: A group of two or more candidates who organize under one name and have registered their names with the Election Commission.
 - m. Volunteer: Any person promoting a candidate or ticket at the direction of a candidate or ticket. A volunteer's contact information must be disclosed to the Election Commission to be considered a volunteer.

- n. Independent Candidate: Any candidate not registered with the Election Commission as being on a Ticket.
 - o. Complainant: Any person, or group of persons, that files a complaint report of a suspected election infraction with the Election Commission.
 - p. Respondent: The candidate(s) or Ticket(s) named in a filed complaint.
 - q. Infraction: A violation of a regulation provided by this Code.
 - r. Infraction Tribunal: A hearing presided over by an impartial group of students to determine candidates' or Tickets' responsibility for suspected infractions.
 - s. Agent(s): Person(s) acting at the direction or on behalf of a candidate or Ticket.
- 3. The terms used throughout this Code are subject to their dictionary definitions, and in construing any such terms, preference shall be given to their ordinary meaning and the intent of the Election Code to foster open, fair, and efficient elections.
 - 4. Construction of the terms used throughout this Code is not reliant, nor should it be, upon Federal or State statutes, election laws, regulations, or judicial opinions.

Section 102: Purpose

- 1. This Code aims to provide for open, fair, and efficient CU Student Government elections.
- 2. CU Student Government and the elections attendant to serving in CU Student Government occur in the educational context of the University of Colorado; serving in CU Student Government is intended to further the university's educational mission and its students.
- 3. This Code is not intended to be bound by state or federal election law or regulation.

Section 103: Amendment & Governance

- 1. The Election Code may be amended at any time by the Election Commission subject to ratification by a two-thirds majority of the Legislative Council's entire membership.
 - a. Any election code edits made in the time period between the release of petition packets and the end of the infraction tribunal, will not take effect until the end of the infraction tribunal.
 - i. The Legislative Council may suspend this requirement in an emergency or extenuating circumstances by a three-fourths ($\frac{3}{4}$) vote of the Council.
 - b. Any amendment to the Election Code must be individually approved by the Election Commission.
- 2. The Election Commission shall certify the Election Code that shall govern the election with the following declaration, 'I hereby affirm that this is a true and accurate representation of the CUSG Election Code that shall govern the [Fall/Spring Year] CUSG election.' The Election Commission shall sign the declaration upon the ratification of the code by the Legislative Council.
- 3. No candidate shall be subject to any ex post facto amendment to this code.

Section 104: University Policy

1. The Election Code and all activities contemplated herein are subject to University policies, including but not limited to the Boulder campus policies, Administrative Policy Statements, and Regent Laws and Policies.
2. University policy shall control in the event of a conflict between the Election Code and any University policy.
3. The Election Code and all activities contemplated herein are subject to the CU Boulder Discrimination and Harassment Policy and Procedures.
4. The Election Code shall follow all of the university guidelines for COVID-19.
 - a. This bylaw shall be nullified and repealed automatically when the university removes the COVID-19 guidelines.

Section 105: Constitutional Authority

1. If any of the provisions contained herein this Code conflict with the University of Colorado Student Government's Constitution, they shall be null and void. Moreover, those provided by the Constitution shall always take precedence.

Chapter 2 – Election Commission

Section 201: Selection, Compensation, and Removal

1. The Representative Council shall review applications and interview applicants for the Election Commissioner position and present their nomination, with supporting evidence, including a resume/CV, cover letter, or other documents, to the Legislative Council by June 30th.
2. The nominee for Election Commissioner shall be appointed by the Representative Council upon the advice of the Appointments Committee and Rules Committee along with being ratified by two-thirds, present and voting, majority of the Legislative Council.
3. The Election Commissioner shall be paid as a Student Assistant III.
 - a. This position is considered an extracurricular position for purposes of the Fair Labor Standards Act or other wage and hour or overtime laws.
4. The Election Commissioner may be impeached, according to the procedures established in the Legislative Council Bylaws, by a two-thirds ($\frac{2}{3}$) majority of the entire Legislative Council.
5. The Election Commissioner's term of office shall end upon the Commissioner's resignation, expiration of the Executive term, or impeachment by the Legislative Council, whichever may come first.

Section 202: Duties and Responsibilities

1. The Election Commissioner's primary responsibility is to ensure an open, fair, and efficient CU Student Government elections.
 - a. The Election Commissioner shall advertise and solicit qualified candidates for a CU Student Government office.

- b. The Election Commissioner shall promote the CU Student Government Fall and Spring elections to ensure the largest voter turnout reasonably possible.
 - c. The Election Commissioner is authorized to spend funds appropriated for the election in furtherance of the duties listed within this code.
2. The Election Commissioner shall perform all duties and tasks assigned by this code.
3. In the event of a disruption to the voting process or scheduled campaign events, the Election Commissioner may provide additional voting time.
 - a. The amount of additional time should be reasonably related to the length and nature of the disruption.
 - b. The length of and approval of additional voting time shall require affirmative consent and a signature of two (2) Executives, the Legislative Council President, and the Chief Justice of the Appellate Court.
4. The Election Commissioner shall also be responsible for encouraging students to research candidates, initiatives, and amendments to be considered and think critically about their vote's implications.
5. Each semester, forty-eight (48) hours following finalization with the Judicial Branch, the Legislative Council, the Office of Information Technology (OIT), and any other such appropriate entities, the Election Commissioner, the CUSG Office Manager, and the Director-level position within the Executive Branch responsible for strategic communications shall publish the entire Elections timeline on the CUSG website and within the CUSG Office.
 - a. The timeline shall include, but not be limited to, the following:
 - i. The date candidate packets become available to the student body.
 - ii. The deadline to submit candidate packets
 - iii. Candidate Town Halls, Debates, and other such election events
 - iv. The deadline to submit constitutional amendments or referenda
 - v. The date the sample ballot shall be published and presented to the Legislative Council
 - vi. The dates and times of that semester's Election
 - vii. The release of the preliminary results of the Elections
 - viii. The deadline to file infractions
 - ix. The dates, or tentative dates, of Infraction Tribunal hearings
 - x. The date the Election results become finalized, and campaign finance documents are published
 - xi. The date of ratification for the incoming elected CUSG officials
6. Each semester, forty-eight (48) hours following finalization by the Election Commission, the Election Commissioner shall publish the following documents to the CUSG website: Candidate Packet, Complaint Filing Form, and the most updated version of the CUSG Election Code
7. If the Election Code undergoes revision following the deadline, within forty-eight (48) hours of taking effect on the final passage, the Election Commissioner must publish the updated CUSG Election Code on the CUSG website and make physical copies of it available in the CUSG office, upon request.
8. Upon collecting the appropriate identification, ticket names, platforms, and other candidate information, the Election Commission has seventy-two (72) hours to publish such information on the CUSG website and make it available in the CUSG office.

- a. This provision shall not hold the Election Commissioner liable for the failure of any candidate or Ticket to provide such information by the submission deadline set by the Election Commission and other appropriate designees.
 - b. It is to the discretion of the Election Commission to update any candidate or Ticket information that was submitted past the said deadline.
9. After becoming effective according to the legislative reading procedures, the Election Commission shall publish all approved amendments to the CUSG Constitution, whether by Student Assembly or through an act of the Legislative Council, shall appear on the CUSG website no less than forty-eight (48) hours.
 - a. The format of the amendment(s) must depict, in its entirety, the manner in which the proposed constitutional amendments shall change the most updated version of the CUSG Constitution.
10. If multiple separate Constitutional Amendments are proposed for any single Election Week, each proposed amendment shall be published separately.
11. No less than ten (10) days prior to the beginning of any CUSG election, the Election Commission, led by the Election Commissioner shall present to the entire Legislative Council a sample of the ballot for approval for the pending Election, and upon approval by the Legislative Council, publish the sample ballot on the CUSG website and social media.
12. The Election Commissioner shall not be eligible to become a candidate for elected office within CUSG Proper until the end of the Executive(s) term of office, even if they resign from office.

Section 203: Assistant Election Commissioners

1. The Election Commissioner shall nominate between two (2) and six (6) Assistant Election Commissioners, who shall be ratified by two-thirds ($\frac{2}{3}$), present, and voting, of the Legislative Council.
 - a. Assistant Election Commissioners shall not hold coinciding offices in the Executive Branch, Legislative Branch, or the Appellate Court, or any other major position as established by the CUSG constitution, simultaneously as their term as an Assistant Election Commissioner.
 - b. Assistant Election Commissioners shall not be candidates for a CU Student Government office during their term as Assistant Election Commissioner.
2. The Election Commissioner must continue to nominate Assistant Election Commissioners until there are between two (2) and six (6) Assistant Election Commissioners ratified by the Legislative Council.
3. Assistant Election Commissioners shall be paid as a Student Assistant II.
4. Assistant Election Commissioner(s) may be removed by a written decision of both the Election Commissioner and CUSG Office Manager subject to appeal by the Assistant Election Commissioner to the Legislative Council.
5. Assistant Election Commissioners must be ratified before the start of the voting.
6. Assistant Election Commissioners shall undertake any responsibility delegated by the Election Commissioner within the Election Commissioner's responsibilities.

7. If the Election Commissioner resigns, the Election Commissioner must nominate an Assistant Election Commissioner to serve as the Election Commissioner subject to ratification by a simple majority of the Legislative Council.
 - a. Between the time of nomination and ratification, the nominee shall be the Acting Election Commissioner.
 - i. All of the Election Commissioner's office's powers and authority shall be devolved upon the Acting Election Commissioner.
 - b. If the Election Commissioner does not designate a replacement, the Executive shall choose one from the Election Commission's remaining members.
8. The Assistant Election Commissioner's term shall end upon certification of the spring election.
9. Assistant Election Commissioners shall not be eligible to become a candidate for elected office within CUSG Proper until the end of the Executive(s) term of office, even if they resign from office.

Section 204: Election Commission

1. The Election Commissioner and the Assistant Election Commissioner(s) collectively constitute the Election Commission.
2. The Election Commissioner is the chair of the Election Commission.
3. A quorum for the Election Commission is two-thirds of the current Election Commission.
4. The Commissioner shall provide updates to the Executive(s) and Legislative Council on matters not sensitive to the outcome of the election.
5. All members of the Election Commission shall swear the following oath when they are ratified at Legislative' Council, *"I do solemnly swear that I shall uphold the Constitution of the University of Colorado Student Government in the spirit in which it was created. I shall perform the duties and responsibilities as a member of the Election Commission of the University of Colorado Student Government to the best of my ability."*
 - a. The oath shall be administered by a Justice of the Appellate Court, preferably the Chief Justice or their Deputy. If no Justices are available, the Legislative Council President shall administer the oath.
6. The Election Commission and Appellate Court shall be responsible for interpreting and enforcing this Code.
 - a. The Election Commission and the Appellate Court shall ground all interpretations of the Election Code in historical or contextual legal evidence.
 - b. All Election Commission and Appellate Court decisions must be made in writing and publicly available, and candidates or Tickets shall be notified. Any decision made shall be applied to all Tickets and candidates.
 - c. The commission may submit their decision to the Appellate Court and request a cease and desist or an official infraction notice to be sent to the ticket in violation.

- d. Additionally, the commission must immediately inform the Executive Committee of the Legislative Council, the Executive(s) of CUSG Proper, and all Tickets or independent candidates of the submitted request and inform Tickets and independent candidates of requests to not partake in actions under review.
 - i. The commission will not include any private information that would violate a ticket's or independent candidate's FERPA rights to the Executive Committee of the Legislative Council, the Executive(s) of CUSG Proper.
- e. The Appellate Court shall have forty-eight (48) hours to review any submission from the Election Commission.
 - i. If the Appellate Court does not respond within forty-eight (48) hours, the infraction shall hold over until the Infraction Tribunal for a decision.

Section 205: Election Committee

1. The CU Student Government Legislative Council Rules Committee shall have the authority to oversee and facilitate an election during any time there is no Election Commission.
 - a. Only actions that were undertaken by or at the direction of a majority, present, and voting, of the Rules Committee, are binding.
 - b. This section of the Election Code does not grant the authority to amend the Election Code to Rules Committee during times in which there is no Election Commission.
 - c. Rules Committee shall be defined and regulated by the Legislative Council Bylaws.

Chapter 3 – Elections and Voting

Section 301: Eligibility

1. Any CU Student Government fee-paying student shall be entitled to vote.
2. The right of a student to vote shall not be denied or abridged by the University of Colorado Student Government on the basis of race, color, national origin, sex, age, disability, creed, religion, sexual orientation, gender identity, gender expression, political affiliation, or veteran status.

Section 302: Election Schedule

1. The fall elections shall begin at 8:00 a.m. on the last calendar Monday of October and shall conclude at 8:00 p.m. on the following calendar Friday.
2. The spring elections shall begin at 8:00 a.m. on the first calendar Monday of April following spring break, as defined by the University of Colorado Boulder calendar, and shall conclude at 8:00 p.m. on the following calendar Friday.

3. A written notice must be submitted to the Legislative Council President, the Executive(s), and CU Student Government office staff, as well be listed in the petition packet, if the start and end times are different.
4. The Election Commission is responsible for meeting with the Executive Committee of the Legislative Council and Appellate Court Chief Justice to determine an appropriate timeline for the elections.
 - a. Said timeline is to be completed no later than two (2) weeks before campaign packets become available.

Section 303: Offices

1. Half of the Representatives shall be elected in the spring and half in the fall. In the event of an odd number of Representative Council seats, one (1) more shall be elected in the fall than in the spring.
2. The Executive(s) shall be elected during the spring elections.

Section 304: Voting

1. CU Student Government Elections shall be conducted through an online voting system that provides:
 - a. A ballot that includes the candidate's name as it appears on the petition for candidacy and, if provided, a ticket affiliation. The ballot shall be randomly ordered and present the candidates for a particular office.
 - b. A means for a voter to vote for write-in candidates, if any, are declared by the deadline set in this code.
 - c. A ballot that includes the full text of ballot measures and allows students to vote for or against ballot measures.
 - d. A ballot that allows the voter to select as many candidates as there are positions available.
 - e. A ballot that allows the voter to rank candidates based on their preference following the Ranked-Choice Voting model
 - i. The Ranked-Choice Voting Model consists of having voters rank their preferences for candidates.
 - ii. If a candidate reaches a majority (>50%) within the first round of voting, they will be declared the winner
 - iii. If no candidate reaches a majority within the first rounds of voting, the candidate with the least votes will be eliminated. All votes that indicated this candidate as their first choice will then move on to their second choice and redistribute said votes. This process is repeated until a singular candidate receives the majority (>50%) of votes.
2. The Election Commissioner shall arrange for the use of a compliant online voting system.
 - a. If the voting system provides incentives to vote, the incentives must come after the student has cast their vote.

3. If any eligible voter cannot access the online voting system, they shall be offered the means to vote in the CU Student Government office during regular business hours throughout the election period.
4. The Election Commission shall provide voting assistance to any student who requires alternative means of voting or assistance in voting based on the recommendations of Disability Services of the University of Colorado Boulder.
5. Any votes by means other than the online system shall remain secured in the CU Student Government Office until the election certification has been completed.
6. The votes of all students shall remain anonymous to the general public but may be reviewed by the Election Commission and the CUSG Office Manager to ensure the fairness of the election.

Chapter 4 – Candidates for CU Student Government Office

Section 401: Eligibility

1. Any student paying CU Student Government student fees is eligible to be a candidate for a CU Student Government office as long as they remain in good disciplinary standing as defined by the Office of Student Conduct with the University of Colorado Boulder.
2. No candidate shall be charged a registration or petition fee.

Section 402: Petitions

1. Campaign packets, consisting of the CUSG constitution, candidacy petition, appropriate session chart, FERPA Agreement, preliminary Election Code, Legislative Council Bylaws, CU Student Government Appellate Court Bylaws, a summary of all CUSG cost centers, Joint and Advisory Boards, and relevant procedures, and Campus Use of University Facilities Policy (CUUF), shall be made available at least six(6)weeks before the start of the election.
2. Any student wishing to appear on the ballot shall apply for candidacy by submitting their name, student identification number, email address, and phone number to the Election Commission.
3. Candidates shall obtain electronic signatures from the University of Colorado Boulder students eligible to vote in CU Student Government elections.
4. After submitting all relevant information for candidacy, the Election Commission shall present them with their personalized online petition packet.
 - a. The petition shall indicate the candidate's name, the office sought, and an optional declaration of a Ticket affiliation.
 - b. The petition shall include the printed name and student identification number of each signatory.
 - c. The Election Commission shall be responsible for the creation of the electronic petition packet for each candidate.
 - i. The Election Commission shall have thirty-six (36) hours to create the petition packet for each candidate.
 - ii. Each candidate shall be responsible for distributing their electronic petition packet.

1. Therefore, only one name shall appear on a petition and also include the office sought by the candidate.
2. If declared, the petition may also include the name of the candidate's ticket.
5. Applicants for candidacy for Representative-at-Large shall submit a petition with valid signatures, student emails, and student identification numbers from fifty (50) registered CU Student Government full or base fee-paying students.
6. Applicants for candidacy for the Executive shall submit a petition with valid signatures, student emails, and student identification numbers from one hundred (100) registered CU Student Government full or base fee-paying students.
7. All petitions must be submitted by 5:00 p.m. on Monday, four (4) weeks prior to the beginning of the election.
8. Petition signatures shall be confirmed through the use of a platform or petition that is solely accessible through CU Identikey online services, such as google sheets or other applicable software.
9. Any applicant who is determined to have submitted a petition with the required number of signatures shall be declared a candidate, and their name shall appear on the ballot for the office declared on their petition.
10. A person cannot be a candidate for both the Executive(s) and a Representative-at-large, nor may a person be eligible for election to more than one Representative-at-large seat.
11. The Election Commission shall have the authority to extend the deadlines related to petition packets if the purpose is to foster an open, fair, and efficient election.
 - a. Any extension granted shall apply to all persons interested in seeking election to office.
 - b. Extensions for submitting a petition packet must be approved by a signed letter of the Election Commissioner and approval by the Judicial Branch.
 - i. In the event the judicial branch does not have quorum, the approval of the Chief Justice shall satisfy this requirement.
 - c. Extensions are available to all students eligible for candidacy.

Section 403: Write-in Candidates

1. Any eligible student may be declared a write-in candidate if they submit a declaration stating their intent to be a write-in candidate by 5:00 p.m. on Wednesday, four weeks before the election.
2. The Election Commission shall count every write-in vote for a write-in candidate if the Election Commission may determine the voter's intent to have their vote cast for a write-in candidate.
 - a. A write-in vote for a candidate whose name appears on the ballot shall not be counted.

Section 404: Candidates Meeting

1. All candidates must attend a Mandatory Candidates Meeting the week after Petition Packets are due.

2. The Election Commission shall be responsible for setting a date and location for the Mandatory Candidates Meeting prior to the Petition Packets' due date.
 - a. The Election Commissioner shall invite members of the Executive and Legislative Branches to attend the mandatory candidates' meeting as a guest to meet the potential candidates.
3. Candidates must sign a contract at the Candidates Meeting to be eligible to be on the ballot.
 - a. This contract shall consist of:
 - i. An agreement to be bound by this code.
 1. A candidate shall not appear on the ballot until they have reviewed and agreed to comply with this code.
 2. A write-in candidate shall not be declared a write-in candidate unless they agree to comply with this code.
 - ii. Candidates must assure they provide their name, as it is to appear on the ballot.
 - iii. All candidates running under the same ticket name must sign a contract confirming Ticket membership by the due date for submitting the Candidate Biographies.
4. If a candidate cannot attend the mandatory meeting, they may send someone in their place or make arrangements with the Election Commission to receive the information provided at the meeting at a later time.
 - a. Such arrangements must be made prior to the candidates' meeting.
 - b. Candidates are still responsible for signing the contract themselves.
5. The Election Commission must turn in campaign contract forms by the following day to the CU Student Government Office Manager.
6. Candidates should submit a candidate biography before a date set by the Office of Information Technology (OIT) timeline and the Election Commission.
7. Changes on the CUSG website elections page shall need the Election Commissioner's, or their designee's, or the Director of Strategic Relations', or their designee's, approval, which may be appealed to the Legislative Council.

Section 405: Candidate Debate and Town Hall

1. The Election Commission shall facilitate at least one (1) candidate debate and one (1) town hall in the Fall and at least one (1) candidate debate and (1) town hall in the Spring.
 - a. One of these events must occur the week before the general elections.
 - i. In the event the spring election occurs the week after spring break, an event the week before break shall satisfy the requirement.
 - ii. In the event the fall election occurs the week after homecoming, an event the week before homecoming shall satisfy the requirement.
 - b. The events may be moderated by an interested student-led media organization, such as Radio 1190, the CU Independent, or the Bold, or a student of the College of Media, Communication, and Information, so long as said moderating organizations or students do not make any endorsements for any candidate or ticket during the campaign.

2. The Election Commission shall allow for and permit the sponsorship of debates and town halls by student organizations, so long as said sponsoring organizations do not make endorsements for any candidate or ticket during the campaign.
3. The Election Commission and CUSG Executive Branch shall be responsible for promoting town halls and debates and shall work with any sponsors of said events to do so.
4. Agreement to cooperate with and assist the Election Commission for promotion and event execution shall be a prerequisite for organizations wishing to be sponsors.
5. Proper notice of debate and town hall format, date, and time must be provided to candidates at the mandatory candidates' meeting.
6. One (1) week before each event, candidates shall be informed of the topics and location.
7. Candidates shall be sent the electronic invites at least one (1) week before these events.

Section 406: Election to Office

1. The candidate(s) receiving the greatest number of votes for the Executive(s) office shall be elected.
 - a. Candidates who have declared that they are running together for the executives' office must be elected as a unit.
2. The candidates receiving the greatest number of votes for the Representative-at-Large office shall be elected until all open seats are filled.
 - a. Representatives-at-Large shall be elected based on who has tallied the highest number of votes during the election.
 - b. Representatives-at-large shall be elected as individuals.
3. In the event of a tie for the winner of any office, the tie shall be broken by an additional day of voting to begin the Tuesday following the last day of voting at 8:00 a.m. and ending at 9:00 p.m. of the same day.
 - a. The Election Commission shall notify all candidates involved in the tie-breaker vote by 10:00 p.m. on the last day of elections and shall communicate the tie-breaker vote to the student body through as many outlets as feasible (including but not limited to, CU Student Government website, University of Colorado Boulder website, electronic messaging boards around campus, and a campus-wide email.
4. In the event of a tie and subsequent run-off election, all deadlines already set by the Election Code shall remain valid.
 - a. Should any deadlines need to be extended, the Election Commission must submit written notice to the Legislative Council President, the Executive(s), and CU Student Government office staff.
5. If after a tied race, there is a subsequent tie, the Chief Justice of the Appellate Court shall flip a coin to determine the winner of the race.
 - a. The coin-flip shall be done publicly and in the presence of all affected candidates and the Election Commission.
 - b. The Election Commissioner must document the result of the coin-flip.

Section 407: Endorsements

1. CU Student Government Representatives-at-Large, Senators, Executives, and elected or appointed officials of the local schools and colleges governments may endorse any candidate in a CU Student Government election.
 - a. No member of CU Student Government or the local schools and colleges governments may use their office to provide any CU Student Government resources or legislative or executive power to a candidate or ticket.
 - b. CU Student Government Appellate Court Justices cannot endorse candidates running in a CU Student Government election.
 - c. Endorsements may be documented and proven real by presenting an email from the endorsing student's personal email, or registered student organization email on file with CSI, or written statement from the individual who is endorsing the candidates provided to the Election Commission by the candidate.
 - d. CU Student Government Executive Staff cannot endorse candidates running in a CU Student Government election.
2. Endorsements by local school and college governments must be approved by a 2/3rds majority vote of the representative body of said entity.
 - a. This shall in no way bar elected or appointed representatives of said entities from independently endorsing a candidate separate from that of the endorsement of the local school or college government.

Section 408: Withdrawal

1. A candidate may withdraw from the election any time before Certificates of Election are issued, by submitting, in writing or by electronic mail, a declaration of their intent to withdraw to the Election Commissioner.
 - a. If a member of a group of Executive(s) candidates withdraws, any remaining candidates may continue the candidacy, and no votes shall be invalidated.
 - b. Members may not be added to the Executive group once voting has started
2. Once a candidate issues their intent to withdraw, they shall be removed from or not placed on the ballot and shall not be included in any advertisements or election events.

Chapter 5 – Ballot Measures

Section 501: Rights and Constitutional Precedence

1. The members of the CU Student Government have the right to vote directly on amendments to the CU Student Government Constitution, including matters referred to the students by the Legislative Council and matters initiated by the students directly.
2. Provisions of Articles XIV and XVI of the CU Student Government Constitution, whether or not they are repeated in this Chapter, are binding on this Chapter.
3. If there is deemed to be a contradiction between a clause, subsection, or section of this Chapter of the election code and the CU Student Government

Constitution, such clause, subsection, or section shall be deemed severable from this Chapter, with substantial deference given to the implied and explicit rights and powers of Legislative Council and members of this association.

Section 502: Constitutional Amendments

1. Constitutional Amendments may be placed on the ballot by the students directly or by the Legislative Council.
 - a. The Legislative Council may refer a Constitutional Amendment to the student association for ratification by two-thirds, present, and voting, of the Legislative Council.
 - i. The proposed amendments for an election are due to the Election Commission for inclusion on the ballot no later than two (2) weeks before the first day of the election.
 - ii. The proposed amendments shall be approved by the Legislative Council at least (3) weeks prior to the first day of the election to allow for the six (6) day veto waiting period to pass or to allow for a meeting prior to this deadline to happen during which a veto override vote may be held.
 - b. The students may initiate a Constitutional Amendment with the submission of a petition requesting the Constitutional Amendment to be placed upon the ballot.
 - i. The amendment's completed petition must be delivered to the Election Commission no later than two (2) weeks before the first day of the election.
 - c. A Constitutional Amendment shall be declared adopted if it meets the requirements of Article XVI of the CU Student Government Constitution.

Section 503: Referenda by Legislative Referral

1. The Legislative Council may refer, by a majority vote, present and voting, a bill or resolution to the students for their consideration.
 - a. The proposed resolutions or bills are due to the Election Commission for inclusion on the ballot no later than two (2) weeks before the first day of the election.
 - b. The proposed resolutions or bills shall be approved by the Legislative Council at least (3) weeks prior to the first day of the election to allow for the six (6) day veto waiting period to pass or to allow for a meeting prior to this deadline to happen during which a veto override vote may be held.
2. The bill or resolution shall be adopted if it meets the requirements of Article XIII of the CU Student Government Constitution.
3. Adopting a bill or resolution by referendum shall have the same effect as though the bill or resolution was adopted by the Legislative Council and presented to the Executive(s), and shall go into effect the day after the certification of the election results unless the measure provides otherwise.

- a. The Executive shall have no veto power over this action.
 - b. Any referendum that would allocate or endorse the allocation of student fee monies to a student group is not binding to CU Student Government and shall be taken for advisory purposes only.
- 4. The Legislative Council shall have the power to propose simple constitutional amendments, in the form of a question, to the student body for approval in the form of a legislative referral, a power established within the Constitution, following all necessary constitutional processes set forth in Articles XIII and XVI of the Constitution, as a main motion without passing a bill or resolution through the legislative reading procedures.

Section 504: Student Enacted Referendum (Initiatives)

- 1. The students of the University of Colorado Boulder may petition to have a bill or resolution placed upon the ballot.
 - a. The petition must be completed and turned into the CU Student Government Election Commission no later than the Tuesday following the candidates meeting.
- 2. A bill or resolution shall be enacted by initiative if the bill or resolution is approved by a majority of the students voting on adoption of the initiative and the total votes cast in favor of adoption are equal to or greater than 10% of those eligible to vote as prescribed by Article XIII of the CU Student Government Constitution.
- 3. Adopting a bill or resolution by initiative shall have the same effect as though the bill or resolution was adopted by the Legislative Council and presented to the Executive(s) and shall go into effect the day after the election certification results unless the measure provides otherwise.
 - a. The Executive shall have no veto power over this action.
- 4. Any initiative that would allocate or endorse the allocation of student fee monies to a student group is not binding to CU Student Government and shall be taken for advisory purposes only.
- 5. Upon submitting the proposed language to the Election Commission, the Election Commission shall immediately consult with University Legal Counsel on all student petition-initiated referenda.
 - a. If University Legal Counsel determines that a referendum violates the United States or Colorado Constitution, federal, state, or Regent Law, the Institutional Fee Plan, Regent policy, the University of Colorado Boulder campus policy, or other applicable University of Colorado policy, the Election Commission shall reject the referendum.
 - b. The Election Commission shall issue a written decision on the referendum. Notice of the decision shall be given to the party proposing the referendum by transmitting the decision via electronic mail to the party's University of Colorado email address.
 - c. Notice is effective on the date of transmission.
 - d. After a proposed referendum has been approved or rejected, the Election Commission shall then hold a referendum hearing with University Legal Counsel, an Executive or their designee, a member of the Executive Committee of the

Legislative Council, and the petitioning party to discuss the intent of the referendum and any potential legality issues with the proposed referendum.

- e. If it has been determined that the proposed referendum has been accepted, the purpose of the hearing shall be to inform the petitioning party about the remainder of the referendum process and their continuing responsibilities throughout the process.
- f. If it has been determined that the proposed referendum has been rejected, the hearing shall provide an opportunity for the Election Commission to describe the appeals process and assist the petitioning party in exploring avenues of advocacy that are not in violation of established law.
- g. If the Election Commission rejects a referendum, the party proposing the referendum may appeal to the Appellate Court by filing a petition per the Appellate Court bylaws within twenty (20) calendar days of notice of the Election Commission's decision.

Section 505: Petition Requirements

- 1. All of the requirements of Article XIII.B of the CU Student Government Constitution are binding.
- 2. A petition to place a Constitutional Amendment or Initiative question on the ballot by the students must have the signatures of 3.3% of students eligible to vote in CU Student Government elections, as prescribed by Article XIII.B.a.4 of the CU Student Government Constitution.
- 3. A petition to place a Constitutional Amendment or Initiative on the ballot shall set forth a title of the measure and the entire text of the proposed amendment or initiative and shall specify that it is a Constitutional Amendment or an Initiative.
- 4. The petition must have the Student Enacted Referendum's exact wording on the same sheet of paper or online petition on which signatures are taken.
 - a. If the Student Enacted Referendum question is so lengthy that this is impractical, all the details of the Referendum in question must be publicized in full text on all CUSG Proper websites and posted in the CUSG office before and during the period in which signatures are collected.
 - i. A link to the full text and summary of the ballot measure shall be added to the ballot.
- 5. All petitions to place a measure on the ballot must be submitted by 5 pm, on the Tuesday following the Candidates Meeting.
- 6. Petitions for a ballot measure shall be validated in the same manner as petitions for candidacy.
 - a. All signers of a petition must be eligible voters and provide their names and student ID numbers.

Section 506: Ballot Requirements

- 1. Constitutional Amendments shall be numbered starting from 1.
- 2. Initiatives shall be numbered starting from 101.
- 3. Referenda shall be labeled starting from A.

4. The ballot must either provide the full text of the ballot measure or must provide a manner in which voters may access the full text of the ballot measure's full text while voting.
5. A purpose statement shall be provided for all amendments, referenda, and initiatives explaining the impact and reason for the ballot measure.
 - a. This statement shall be due simultaneously as the petition to place the measure on the ballot is due.
6. The official ballot shall be announced three (3) weeks before the election.

Section 507: Conflicting Measures

1. If provisions of two or more measures are approved in the same election conflict, the measure receiving the most affirmative votes shall prevail.
2. If a proposed Constitutional Amendment is adopted, but an Initiative or Legislative Referral approved in the same election is conflicting, the newly adopted Amendment shall take precedence.

Section 508: Granting of Offices

1. No Initiative or Constitutional Amendment that names any individual to hold any office or names or identifies any non-CU Student Government organization to perform any function or to have any power or duty may be submitted to the voters or have any effect.

Section 509: Amendment and Repeal

1. A bill or resolution passed as a ballot measure may only be amended or repealed by another ballot measure approved by the students.
 - a. This restriction shall be lifted one year after the original ballot measure was adopted.

Chapter 6 – Tickets and Independent Candidates

Section 601: Ticket Creation and Membership

1. Any group of two or more candidates must declare their intent to run as a ticket by the candidate biography due date.
 - a. No tickets may be created after this deadline.
 - b. Each ticket must have a unique name that is recognizably and substantially different from the other ticket names.
 - i. The ticket that submits their ticket name for approval to the election commission first shall have rights to the name if such a conflict should arise.
 - c. Each ticket may not have more than two total candidates for representative-at-large.

- i. At maximum, each ticket may only have one group of candidates running for the office of the Executive.
2. Ticket membership cannot change seven (7) days before the start of the election.
 - a. Tickets wishing to remove a member from their ticket must present written notice to the Election Commission.
 - i. If a candidate has been removed from a ticket in this way, they are allowed to join another ticket, time permitting.
 - ii. Until one (1) week before the election, tickets shall have the opportunity to drop a candidate.
 - iii. If a candidate is removed from a ticket, the Election Commission must inform the candidate of their removal.
 - b. Candidates may withdraw themselves from a ticket by providing written notice to the Election Commission and, in doing so, must run as an independent candidate.
 - i. Candidates who remove themselves from a ticket in this manner may not be added to any other ticket.
 - c. Tickets may add candidates after the Candidates Meeting by providing written notice to the Election Commission.
3. Any campaign expenditures made by an Independent Candidate before joining a ticket shall be added to the total amount of campaign expenditures made by any ticket they join.
4. Any campaign expenditures made by a ticket before a candidate leaving a ticket through any means shall be indicated on both the original ticket's and the independent candidate's expense reports.

Section 602: Rights of Independent Candidates:

1. Should there be any Independent Candidates in an election, they are entitled to all of the rights afforded by this Code. Independent Candidates are subject to all regulations outlined in this Code.

Chapter 7 – Campaign Regulations and Infractions

Section 701: General Provisions

1. The Election Commission shall not hear complaints filed against itself, nor shall any infractions be filed against the Commission.
 - a. This restriction against the ability of students to submit complaints against the Election Commission shall not be construed to deny or disparage students' rights to seek redress for grievances for actions of the election Commission in the Appellate Court, nor those of the Legislative Council to conduct investigations and hear impeachments of members of the Commission.
 - b. Students, candidates, or tickets with complaints against the Election Commission are advised to bring those complaints to the Legislative Council such that the council may begin an investigation or assist the complainant in seeking justice or correcting errors made by the Election Commission.

2. If a ticket or candidate chooses to begin campaigning before they are officially considered candidates, they must still abide by the rules outlined within this code.
3. Nothing in this chapter, or the Election Code generally, shall be construed to prohibit a candidate from campaigning in the public spaces of CU Student Government cost centers or at public events hosted by CUSG Proper or CUSG cost centers.
4. As per the discretion of the tribunal, either a whole ticket or individual candidate(s) can be held accountable for their violations. Under no circumstances should the Election Commissioner suggest rulings for any violation.

Section 702: Class AA (Disqualifiable) Violations (12 points per violation)

1. Interfering with the vote count mechanism.
2. Loss of good disciplinary standing with the University as defined by the Student Code of Conduct.
3. Perjury, destroying evidence, tampering with evidence or witnesses, or knowingly providing false information, evidence, or testimony to the Election Commission or the Appellate Court in a way that substantially affects the outcome or integrity of the electoral or judicial processes.
4. Candidate or campaign affiliate voting on behalf of a voter other than themselves or voting for themselves multiple times.
5. Bribing any voter or group of voters. Bribery is defined as a prize, reward, gift, or favor (including CUSG positions) in order to influence another to vote for or against a particular candidate or ticket. In order to constitute a bribery, a direct link between a the reward and the action of voting must be established
 - a. Normal Campaign Materials approved by the Election Commission and given during official campaigning shall not constitute a bribe or bribery.
 - b. If a candidate/ticket is unsure whether or not their campaign materials would constitute a bribe, they are highly encouraged to consult the Election Commission before distributing said materials.
6. Bribing, conspiring with, falsely claiming an endorsement of, or otherwise corruptly influencing a member of the Election Commission, an Infraction Tribunal judge, an Appellate Court Justice., or any other person involved with the operation of any CUSG election.
7. Exceeding the campaign finance spending limits as defined in this code.
8. Failing to report sources of funding or severely misrepresenting or failing to report expenditures.

Section 703: Class A Violations (8 points per violation)

1. Failure to attend the Candidates Meeting, Town Hall, and the Candidates Debate, or failure to make a reasonable attempt to receive the Election Commission's pertinent information if they cannot attend.
 - a. Every candidate who fails to do so shall be individually responsible and shall be automatically disqualified.
 - b. Tickets shall not be held jointly responsible for the failure of one or more candidates failing to meet this requirement.

2. Using CU Student Government fees, funds, or resources for a campaign purpose, or using such fee monies that the Election Commission did not provide for purchases in pursuit thereof.
 - a. This shall not prohibit the Election Commission from spending fee monies on materials provided to all candidates or Tickets to promote the election or drive voter turnout.
 - b. Nothing in this shall be construed to prohibit a candidate from campaigning in the public spaces of CU Student Government cost centers.
3. Intimidating, impeding, threatening, or retaliating against voters, parties to an Infraction Tribunal or Appellate Court case, witnesses that have been requested for testimony or evidence in a hearing of the Infraction Tribunal or Appellate Court, Appellate Court Justices, members of the Election Commission, elections staff members, candidates, potential candidates, campaign agents, or other persons related to the elections.
4. Obstruction of justice, including, but not limited to, obstructing an investigation by the Election Commission or its agents and obstructing the functioning of the Appellate Court or Election Commission.

Section 704: Class B Violations (4 points per violation)

1. Providing false or misleading information, evidence, or testimony to the Elections Commission, Infraction Tribunal, or the Appellate Court.
2. Refusing to appear before the Election Commission, Infraction Tribunal, or Appellate Court, when summoned.
 - a. Meetings must be scheduled at least forty-eight (48) hours in advance of the meeting and all attendees must be formally notified.
 - b. An individual shall be exempt from appearing before the Appellate Court if they can show a valid health excuse, out of town commitment, death in the family, employment obligations, exam/paper due twenty-four hours following the case, observance of a religious holy day, or ceremony which prevents attendance, an academic commitment during the meeting time, jury duty or mandatory appearance for legal/administrative proceedings during the meeting time, a force majeure which prevents attendance (this shall be defined as any chance occurrence or unavoidable accident that is not the result of negligence or misfeasance by the individual).
 - c. It shall be the Election Commission or Appellate Court's obligation to ascertain the validity of any claim as to the above.
3. Campaign activity constituted by distributing stickers or buttons; displaying or distributing posters or handbills; creating, preparing or printing materials; sending electronic mail; recruiting volunteers; creating or updating social media; or making telephone calls that advocate the election/success or defeat of a candidate; ticket or movement or distributing other Normal Campaign Materials within any of the following locations:
 - a. Within one hundred (100) feet of a Neutral CU Student Government Polling Place.

- b. Within or on the grounds of any University-operated residence hall or University-owned residences, unless the candidate campaigning is a resident of the hall, and has explicit written confirmation from the Hall Director.
 - i. Said confirmation is to be validated by the Election Commission.
 - ii. This shall not prohibit the posting of materials inside residential rooms, including on windows, provided that the permission of all residents living in that room is obtained.
 - c. Within any branch of any library on campus.
 - i. This shall not prohibit the use of legally reserved rooms within the libraries for campaign meetings.
 - ii. The use of said rooms may entail the organization and distribution of Normal Campaign Material to volunteers of a campaign.
 - 1. However, posting materials in the library or handing out Normal Campaign Material outside of legally reserved rooms inside the library is prohibited.
- 4. Claiming the endorsement of an individual, group, organization, without consent.
 - a. Candidates are required to obtain endorsements in writing or via email and present said endorsements to the election commission.
 - b. Groups shall not be permitted to use the same ticket name that the current executives were elected under without having the endorsement of the current executives.
- 5. Disseminating information intended to mislead or deceive voters as to how and when they can vote.
- 6. Intentionally disseminating information that is objectively and provably false to impede or influence activities related to an election.
- 7. Any use of the official University of Colorado copyright or trademark in a way that would lead the voter to believe that the University endorses the candidate or Ticket.
 - a. Wearing University of Colorado Boulder apparel with copyrights or trademarks is exempted.
- 8. Campaigning in any location at which the majority of voters present may be reasonably assumed to be intoxicated or under the influence of alcohol or other controlled substances, including marijuana, illegally.
- 9. Breaking any of the University of Colorado's COVID-19 guidelines.
 - a. The University of Colorado's COVID-19 guidelines are in Appendix A.
 - b. Candidates must follow these guidelines whenever they are engaging in election-related activities.
 - c. This shall be nullified and removed when the University ends the COVID-19 guidelines.
- 10. Being found in contempt by the Appellate Court or Infraction Tribunal

Section 705: Class C Violations (2 points per violation)

- 1. Destroying, defacing, covering, moving, or removing from their places, posters, signs, banners, leaflets, CU Student Government flyers, or any student organizations.

- a. Outdated flyers or flyers for past events may be removed and recycled to create space for approved campaign materials.
2. Filing malicious, frivolous, misleading, or bad faith charges or complaints against any candidate, Ticket, proponent, or opponent to the Election Commission.
3. Violating the Campus Use of University Facilities (CUUF) Policy.
4. Turning in campaign finance documents after the deadline set by this Code.
5. Using the intellectual property of another person or organization to campaign without the permission of the rightful owner.
 - a. Candidates are required to obtain permission in writing. Fillings for this violation can only be brought by the rightful owner.
 - b. Any information, images, actions, designs, stylistic qualities, or other items readily found in the public domain or that could be considered public knowledge by accessibility shall not be protected under this clause as intellectual property.
6. Any publishing of posters, flyers, handbills, or other campaign materials on a material that cannot be recycled.
 - a. A single act of publishing is constituted by:
 - i. The act of purchasing or receiving a material that is not capable of being recycled.
 - ii. Printing or copying posters, flyers, or handbills of a single design, regardless of quantity.
 - iii. Distributing the posters, flyers, or handbills to the public.
 - iv. If such materials can be reused or repurposed, plans and costs for doing so must be reflected in the candidate or ticket expenditure report.
 - b. The CU Student Government Environmental Center Director or their designee shall review, upon request by a candidate or ticket, any material to determine whether it is recyclable by the University.
 - i. Any candidate or ticket that is informed by the Environmental Center, correctly or not, that a material is capable of being recycled by the University shall not be penalized for an offense for checking the status of the material.
7. Any other violation of this election code.

Chapter 8 – Campaign Finance

Section 801: Campaign Expenditures

1. An item of campaign expenditure is any money spent or the receipt of goods or services paid for on the candidate's behalf or by a candidate to elect said candidate to office.
2. Campaign expenditures include spending money or accepting goods or services.
 - a. A good is any item, product, or commodity that is provided for sale.
 - b. Service is the provision of labor in exchange for compensation.

- c. The value of a good or service shall be determined as the actual amount paid for the good or service, or if donated, the most likely price the good or service would have cost if purchased.
 - d. If a good or service is offered at a discounted rate, the standard undiscounted rate shall be used to calculate campaign expenditures.
 - i. However, if all campaigning parties in an election could have reasonably obtained the same or similar discount, then the discounted rate shall be used to calculate campaign expenditures.
 - e. The provision of labor and expertise to a candidate does not constitute a campaign contribution if the person, persons, or entities providing those services are volunteering and are not being compensated.
 - f. If a person, persons, or entity provides services at a discounted rate, the difference between the standard and customary rate and the actual rate levied is not a campaign contribution.
 - i. This includes, but is not limited to: volunteering to collect petition signatures, volunteering to "chalk," hand out campaign materials or advocating for the election or defeat of a candidate, designing websites or campaign materials, providing advice to candidates.
3. An Independent Candidate may not spend more than the budget cap established for a ticket for the position they are running for.
 - a. Independent candidates may not pool together money in the furtherance of their campaigns.
 - b. Tickets may not give any campaign contribution to individual candidates and vice versa.
4. Tickets may not pool together money in the furtherance of their campaigns.
 - a. Tickets may not give any campaign contributions to each other or to Independent Candidates.
5. Executive candidates may not spend more than six hundred dollars (\$600) in the furtherance of their campaign.
 - a. A ticket with executive candidates may not spend more than six hundred dollars (\$600) in the furtherance of their campaign.
6. An individual representative candidate may not spend more than one hundred and fifty dollars (\$150) in the furtherance of their campaign.
 - a. A ticket with only representative candidates may not spend more than three hundred dollars (\$300) in the furtherance of their campaign.

Section 802: Campaign Contribution and Expenditure Reports

1. All Independent Candidates and tickets must submit a contribution and expenditure report by 5:00 p.m. the first Monday after voting ends or in the case of a run-off, the Wednesday after the Monday of the run-off.
2. The report shall provide the ticket name (if applicable), candidate's name, office(s) sought, a ledger for campaign contributions, and a ledger for campaign expenditures.
3. The expenditure report must be submitted via email to the Election Commission by the second business day after the election by 5:00 pm.

- a. The campaign contributions ledger shall provide all contributors' names, the amounts contributed, or the value of goods or services paid for on the candidate's behalf, and the total amount of all contributions.
- b. The campaign contributions ledger shall list all expenditures made, the vendor from which the items were purchased, and the expenditure amount.
- c. Any goods or services purchased on the candidate's behalf shall be listed as though they were purchased by the candidate, with the value determined.
 - i. A receipt shall be submitted verifying the value of each expenditure.
 1. If a receipt is unavailable, the candidate must submit a signed declaration indicating the item's cost, a description of the item, the date, and the location of purchase.
- d. Should a candidate or ticket not have any expenditures to report, they must submit a formal and signed statement declaring that they did not spend any money or receive contributions.
 - i. The declaration must be constructed in the same form as an expenditure report save for expense listings and is due simultaneously and date as the expenditure reports.
 - ii. All Independent Candidates and tickets must provide a certification that "This report is a true and accurate accounting of all contributions and expenditures made by me in the furtherance of my candidacy for CU Student Government office."

Section 803: CUSG Elections Funding

1. The Election Commission may provide resources, materials, campaign materials, printing, sidewalk chalk, or other items of interest to the campaigns to garner a larger voter turnout for the election but such materials must be provided equally to all candidates.

Chapter 9 – Tabling and Polling

Section 901: Use of Tables and Polling

1. The number of tables permitted during an election shall be determined by the Election Commission and the tickets and Independent Candidates' campaign managers three weeks before the start of the election.
2. The number of tabling opportunities shall be equal amongst all tickets and Independent Candidates.
3. If consensus is not reached on the number of tables permissible, the Election Commission maintains the ultimate authority to determine a final number of tables permissible, subject to an appeal by a candidate or ticket to the Legislative Council.
 - a. The Election Commission shall also provide an equal opportunity for movements to table during the election to represent both sides equally.
 - b. Anyone advocating for a movement's cause found in violation of any regulations set by the Election Commission, this code, or CUUF, shall no

longer have access to election resources provided by the Election Commission (i.e., Tabling) for the remainder of the election.

- i. This shall not be construed to restrict Independent Candidates or tickets from endorsing or calling for a ballot measure's defeat.
 - c. Candidates or tickets may have students vote at their table if they abide by CUUF policy, are one hundred (100) feet away from the neutral polling stations, and follow all other code provisions.
4. The Election Commission shall have the authority to set a specific list of locations in which tabling is permitted during the election, subject to appeal by the candidates or tickets to the Legislative Council.
 - a. This list shall be released to the candidates and tickets one week before the start of the election.
 - i. The Election Commission shall have the authority to adjust tabling locations and shall provide written notice to all candidates regarding said changes. Any changes apply to all candidates and Tickets.
 - ii. Tables can be moved with permission from the Election Commission or the facilities manager where the table is present.
5. Tabling must comply with the Campus Use of University Facilities (CUUF) Policies.
 - a. Tabling during other times of the campaign, outside of the election, shall be permitted at any time so long as candidates, tickets, or movements comply with CUUF.

Section 902: CU Student Government Tables and Polling

1. The Election Commission has the authority to set up any number of neutral CU Student Government polling places.
 - a. No candidate, ticket, or movement may be campaigning or loitering within one-hundred (100) feet of a neutral CU Student Government polling place.
 - b. These locations shall be announced two weeks before the election.
 - c. Only persons designated by the Election Commission may operate polling places set up by the Election Commission.
 - d. Members of CUSG Proper who have endorsed candidates for election may help operate the CUSG polling places but shall recognize their responsibility to uphold the neutrality of such spaces and may not express a preference for any candidate(s) or tickets for CUSG office.
 - e. The Election Commission may not exclude members of CUSG who have expressed their preference for a candidate from operating the neutral CUSG polling places unless they have been found to have violated the expectation of neutrality established in this section.

Chapter 10 – Conclusion of Election and Infraction Tribunal

Section 1001: Preliminary Election Results

1. After the polls close, the Election Commission shall end voting and tabulate the preliminary election results.

2. The preliminary election results shall be posted on the CU Student Government office door and the CU Student Government website as soon as they are available.

Section 1002: Publication of Campaign Finance Reports

1. The Election Commission shall retain the original campaign contribution and expenditure reports and prepare copies that shall be made available to the public via the CUSG website, twenty-four (24) hours following the receipt of the final campaign expenditure report.

Section 1003: Filing Infraction Complaints

1. Complaints about alleged infractions committed by candidates or tickets during the campaign, outlined in Chapter 7, must be reported to the Election Commission within ninety-six (96) hours of first knowledge of the infraction.
 - a. If the infraction's initial report is not submitted within these ninety-six (96) hours, the infraction complaint shall not be heard in the Tribunal.
 - b. No additional filing of new infraction complaints shall be permitted after twenty-four (24) hours after the end of the election.
 - i. Filings of complaints regarding infractions of campaign finance and expenditures are exempt from this deadline.
 - ii. All campaign finance infractions shall be filed within twenty-four (24) hours of the campaign finance reports being submitted and made available to the public.
 - iii. The Election Commission shall review the expenditure reports and file any infractions against tickets on behalf of the student association.
 - c. Any person eligible to vote in the election may file a complaint against a candidate or ticket for a suspected election infraction.
 - i. Any concerns or complaints brought to the Election Commission by any student shall be documented and submitted as infractions.
 - d. The Election Commission reserves the authority to file election complaints themselves and is required to submit such complaints, provided sufficient evidence is existent.
 - i. The Election Commission shall provide the necessary and requisite filing documents and instructions to any person wishing to file a complaint, upon request. Such documents shall also be made available at the CU Student Government Office and on the CUSG website.
 - e. Each complaint shall be titled CUSG ex rei [*Complainant's Name*] vs. [*Respondent's Name*].
 - i. The complaint shall set forth which election offenses have allegedly been committed.
 - f. Known evidence or witnesses (and their contact information) supporting the proof of an infraction must be submitted in conjunction with the initial complaint report to the Election Commission.
 - g. Anonymous evidence includes statements from witnesses that are redacted for anonymity.

- h. The Infractions Tribunal otherwise has the discretion to determine the weight and admissibility of evidence.
 - i. Rules of evidence shall follow those set out in the Colorado Rules of Civil Procedure and the burden of proof shall be set at a preponderance of the evidence in all cases.
- i. Evidence must be submitted on a rolling basis to the Election Commission or Infraction Tribunal as it is discovered.
- j. If a complaint is filed that alleges abuse of CU Student Government resources and would be able to be investigated by an Election Commissioner, then the complainant may request copies of any information, documents, or known evidence from CUSG, with exception of such information or documents that are protected by FERPA regulations, as determined by the CUSG Office Managers.
 - i. Upon receipt of said complaint, the Election Commission may request a review and formal court order from the Appellate Court to halt any actions that may violate this code.
 - ii. The Election Commission is required to make requests of the court if the complaint warrants an investigation.
- k. The respondent shall be notified by the Election Commission when a complaint of a suspected infraction is filed against them or when a limited view is requested.
- l. All reported infractions and evidence, as they are discovered, must be served to the respondent by the Election Commission as soon as feasibly possible.
- m. The respondent shall be made aware of what infraction they are suspected of committing.
- 2. Any additional evidence or witnesses to infractions filed during the campaign must be submitted to the Election Commission before the start of the Infraction Tribunal.
 - a. At this point, the respondent shall be notified by the Election Commission of the complainant, the witnesses' names to the suspected infraction, and shall be entitled to review all evidence not already made available to them.

Section 1004: Infraction Tribunal

- 1. The Infraction Tribunal shall be held after the close of business on the Friday following the election or the Saturday morning after the Tuesday of a runoff election.
- 2. The Executive(s) shall nominate three (3) or five (5) temporary judges, subject to two-thirds ($\frac{2}{3}$) present and voting majority approval of the Legislative Council, to sit on the infraction tribunal court, review the infractions submitted, review the evidence submitted, and decide the case(s).
 - a. The Executive(s) shall establish an application process, review applications and make nominations to the infraction tribunal following the candidates meeting and at least two weeks prior to the start of the election. .
 - b. The Executive(s) are encouraged to seek applications from the Law School and to communicate with the Student Bar Association or other representative associations of the CU Boulder Law School. Justices from the Judicial

- Branch are also encouraged to sit on the tribunal. These justices, however, can not sit on the Appeals court.
- c. The temporary judges shall be provided all necessary materials upon approval and training shall be organized by the Chief Justice of the Appellate Court, the Parliamentarian of the Legislative Council, Election Commission, and other applicable CUSG Proper staff.
 - d. The Infraction Tribunal judges may be removed via impeachment following the procedures established within the Legislative Council bylaws.
 - e. The Infraction Tribunal judges' terms of office shall end after the Infraction Tribunal has released its opinion on all submitted complaints.
3. The Infraction Tribunal shall be held in the following manner:
 - a. The complainant(s) and respondent(s) shall be granted a ten (10) minute opening statement on the infraction presented to the Infraction Tribunal.
 - i. Each infraction shall be heard separately regardless of the evidence or witnesses being called during the hearing.
 - ii. The complainant(s) shall have the first opening statement followed immediately by the respondent(s) statement.
 - b. The complainant(s) shall have the opportunity to present their case by calling witnesses and introducing evidence.
 - i. The respondent(s) shall have an opportunity to cross-examine all complainant witnesses.
 - ii. This shall be limited to ten (10) minutes.
 - c. The respondent(s) shall have the opportunity to present a defense by calling witnesses and introducing evidence.
 - i. The complainant(s) shall have an opportunity to cross-examine all respondent witnesses.
 - ii. This shall be limited to ten (10) minutes
 - d. The complainant(s) and respondent(s) shall be granted a ten (10) minute closing statement after all witnesses, cross-examinations, and evidence have been presented.
 - i. The respondents shall make the first closing statement, followed immediately by the complainants closing statement.
 4. All evidence pertinent to a complaint, admitted by the Election Commission to the Infraction Tribunal, shall be made available to both the respondent(s) and the complainant(s).
 5. Both the complainant(s) and respondent(s) may be advised by either a student representative or legal counsel, in the manner described in the CU Boulder Student Code of Conduct; i.e., a party may bring an advisor of their choice, including but not limited to advocates or attorneys, to any process meeting, including, but not limited to hearings, but such advisors are not permitted to speak for, or on behalf of a party, unless they are also a fee-paying student of the University of Colorado Boulder, during any phase of the conduct process, including any hearings.
 6. Minutes shall be taken during the Infraction Tribunal and made publically available after the Tribunal has released their opinions unless prohibited by applicable law.
 - a. The CU Student Government Office Manager shall assign a neutral party to take the official minutes.

7. The Infraction Tribunal must release their opinions and rulings no more than forty-eight (48) hours after the Infraction Tribunal ends.
 - a. Any official meeting of the Infraction Tribunal regarding any discussion or decisions on complaints shall have minutes taken.
 - i. Minutes taken during any discussion or decisions on complaints shall not be made public but shall be accessible to the Appellate Court.
 - b. The opinion shall be written and contain all findings of fact, conclusions of law, and assessment, if any, of infractions.
 - c. A candidate/ticket or group of candidates found responsible for a total of twelve (12) or more infraction points shall be disqualified, and their votes invalidated.
 - d. If no complaints are heard or if no complaints of suspected infractions are filed, the Election Commissioner shall certify the election results.
8. Once the Infraction Tribunal has issued its opinion, any complainant or respondent, or both, may appeal the Tribunal's decision to the Appellate Court.
 - a. The parties to the appeal shall remain the complainant(s) and respondent(s).

Section 1005: Infraction Points and Disqualification

1. Accumulating twelve (12) infraction points via a combination of infractions shall result in disqualification as well.
2. The finding of responsibility of one (1) Class AA infraction shall result in twelve (12) infraction points being incurred upon the candidate/ticket.
3. The finding of responsibility of one (1) Class A infraction shall result in eight (8) infraction points being incurred upon the candidate/ticket.
4. The finding of responsibility of one (1) Class B infraction shall result in four (4) infraction points being incurred upon the candidate/ticket.
5. The finding of responsibility of one (1) Class C infraction shall result in two (2) infraction points being incurred upon the candidate/ticket.
6. A simple majority of the Infraction Tribunal or Appellate Court is required for a ticket or candidate to be found responsible for an infraction, and for the Infraction Tribunal or Appellate Court to make findings of fact and conclusions of law.
7. Disqualification shall result in the invalidation of all votes cast for the candidate(s) or ticket(s) found responsible.
8. Invalidation shall be treated as though the votes cast for those responsible were never cast at all.
 - a. The invalidation of votes for a candidate or group that was disqualified shall not affect any other vote made on that ballot.

Section 1006: Burden of Proof and Individual and Joint Responsibility

1. The burden of proof that must be reached to find a candidate, group of candidates, or ticket responsible is a preponderance of the evidence that the candidate(s)/ticket (or an agent thereof) committed the election infraction.

2. The preponderance of evidence standard is satisfied if the information gathered demonstrates that it is more likely than not that the alleged infractions occurred.
3. Infraction points may, unless otherwise specified, apply to all members of a ticket, or a subordinate group of candidates thereof if:
 - a. A candidate or a volunteer, or other agents, knowingly responsible for the infractions, acted in promoting the whole ticket, not just the individual.
 - b. There was any coordination of the infraction amongst any members or volunteers, or other agents of the candidates/ticket.
 - c. The Infraction Tribunal has the authority and duty to determine the total and final responsibility of a ticket or an individual candidate.
 - i. If a member of a group of Executive candidates is found individually responsible for an offense, the infraction points for that offense shall apply to all of the affiliated Executive candidates.
4. Independent Candidates are responsible for their actions and those of their volunteers or other agents.
 - a. Infraction points shall apply to Independent Candidates for the violations committed by their volunteers, as they do for tickets.
5. Witnesses or other agents related to a ticket/candidate shall be held solely responsible during the Infraction Tribunal or Appellate Court hearings if they are found to be in contempt, knowingly committing perjury, or for conduct that violates provisions of Chapter 7 regarding impeding or obstructing judicial processes or proceedings, except in cases where the candidate/ticket influences or has prior knowledge of such wrongdoings.
 - a. In such cases, the candidate/ticket will also be held accountable and the appropriate infraction points will apply.

Section 1007: Appeals Process

1. A party (the complainant(s) or respondent(s)) must appeal the decision of the Infraction Tribunal by 5 pm within two (2) calendar days of the issuance of the Tribunal's opinion.
 - a. The appeal shall be filed by submitting a petition, per the Appellate Court's Bylaws, to the Chief Justice.
 - b. Copies of the appeal shall be served upon the CU Student Government Office Manager and the opposing party or parties.
 - c. If no appeal is filed by this deadline, the Election Commission shall certify the election results as they have been adjusted.
2. Any Appeals to rulings made by the Infraction Tribunal must be submitted to the Appellate Court within two (2) days of the release of the Infraction Tribunal's opinions.
3. If no appeals are filed, the Election Commission shall certify the election results, according to the Tribunal's findings.
4. Once an appeal has been filed, the Court must vote to hear an appeal within four (4) calendar days. The Election Commission shall not certify the election results until the

Appellate Court: issues a final opinion, or notifies the parties that the Court is not taking the appeal.

- a. If the Appellate Court has not issued a decision within four (4) calendar days of taking the appeal, the decision of the tribunal shall be considered the final opinion of the court.
- b. The Appellate Court shall have no jurisdiction to enter any judgment or Temporary Restraining Order that would prohibit the Election Commission from certifying the election results.
- c. The appeals process carried out by the Appellate Court, including all hearings and testimony, shall have minutes taken and made public upon review and approval of the minutes by the Appellate Court at the next regularly scheduled meeting of the Appellate Court.
 - i. Any official meeting of the Appellate Court regarding any discussion or decisions on complaints shall have minutes taken.
 1. Minutes taken during any discussion or decisions on complaints shall not be made public.

Section 1008: Applicable Legal Standards for Appellate Review

1. Conclusions of law: When hearing the Infraction Tribunal or an appeal from the decision of the Infraction Tribunal, the Appellate Court shall review, without deference, all conclusions of law; this means that the Appellate Court reviews conclusions of law from the same position as the Infraction Tribunal.
2. Findings of Fact: Factual findings underlying the Infraction Tribunal's ruling are entitled to deference and are reviewed for clear error.
 - a. A finding of fact is erroneous if the Appellate Court is left with a definite and firm conviction that a mistake has been committed; e.g., the findings are without substantial supporting evidence; the Infraction Tribunal misapprehended the effect of the evidence; or the testimony, considered as a whole, convinces the Appellate Court that the findings are so against the preponderance of credible testimony that they do not reflect or represent the truth and right of the case.
 - b. If the evidence discloses two permissible readings, there is no clear error.

Section 1009: Appellate Court Opinions

1. An Appellate Court opinion shall not be binding unless the minutes of the hearing regarding the appeal of the infraction tribunals decision has been taken and made public, and unless the opinion:
 - a. Is submitted in writing to the CU Student Government Office, and
 - b. Bears the signature of a majority of a duly constituted court, and
 - c. Contains a record of the participating justices and the Court's vote, and
 - d. Is submitted electronically to the Election Commission, the CU Student Government Office Manager, the complainant(s) and respondent(s) involved, and the selected members of the Court; and contains a record of the participating Justices and the Court's vote.

Section 1010: Certification of the Election

1. If the Election Commission did not receive any complaints during the campaign up until forty-eight (48) hours after the final polls closing, and the Election Commission did not file any complaints, nor did the Election Commission file any complaints related to Campaign Finance and Expenditures, the Election Commission shall officially certify the results.
2. The Election Commission must certify the election as provided in this Code.
3. If the Election Commission fails to certify the election as provided in this Code, the election shall be certified automatically by operation of the Election Code.
4. The election shall be certified by replacing the preliminary results with certified final results.
 - a. The results shall indicate that they are the certified final results.
5. The Election Commission shall prepare and deliver Certificates of Election to the Legislative Council President, indicating the elected officers' name and electronic mail address.
6. The newly elected officers shall be sworn in according to the CUSG Proper Bylaws.

Chapter 11 – Local School and College Elections

Section 1101: Local Control

1. School and college elections shall occur in a manner provided by each school and college student government.

Section 1102: Use of CU Student Government Elections

1. Each school and college may choose to conduct their elections through the CU Student Government online voting process.
2. Each school or college desiring to use the CU Student Government online voting process must enter into a memorandum of understanding with the Election Commission.
 - a. The memorandum of understanding shall indicate how a candidate may qualify to appear on the ballot and whether the Election Commission shall advertise or otherwise promote the local school or college election or candidates.
 - b. The memorandum of understanding shall also obligate any candidate running for a position on that school's or college's student government or the Legislative Council to comply with the conditions and expectations detailed throughout the Election Code.
 - c. If the CUSG Election Commission enters into such an agreement with a college or school student government, said college or school student government must appoint an Election Commission and Chair of said commission to be a primary point of contact for the duration of said college or school's election.
3. Each school or college must submit a full list of candidate names, positions, and seats available per position by the candidates' meeting day.

4. Unless otherwise provided for in the memorandum of understanding, the Election Commission shall only provide each school or college with the election results.
 - a. The Election Commission shall not enforce any local school or college election rules.
 - b. The Election Commission shall only hear complaints against the local school and college candidates if they were affiliated with or contested a ticket that was associated with the election of Representatives or Executives.
5. A local school government may request adjudication of election complaints from the Appellate Court.

Chapter 12 – CU Student Government Proper and Cost Centers

Section 1201: Use of Resources

1. No CU Student Government Cost Center may endorse, campaign for, or campaign against any candidate; any write-in candidate;
 - a. If a Constitutional Amendment, Referenda, or Initiative deals directly with the specific Cost Center, that Cost Center may issue a statement that takes a stance on the Constitutional Amendment, Referenda, or initiative in question.
2. No CU Student Government Cost Center may contribute any money, goods, or services to any candidate or write-in candidate to support the election of that candidate or to any group advocating for the passage or defeat of a Constitutional Amendment, Referenda, or Initiative.

Chapter 13 – Student Fees

Section 1301: Use of Student Fees

1. No group, organization, or entity other than the Election Commission and CUSG Proper may use any student fees or housing fee awarded from any student fee funding source or housing funding source to advocate for the election or defeat of a candidate or the passage or defeat of a constitutional amendment, initiative, or referenda, nor may any student fees or housing fees be contributed to any candidate.
2. Any group, organization, or entity other than the Election Commission, Joint and Advisory Boards of CUSG, and CUSG Proper that receives any student fees in a fiscal year may not use any said fees to advocate for the election or defeat of a candidate or Ticket the passage or defeat of a constitutional amendment, initiative, or referenda, nor may any student fees be contributed to a candidate.
 - a. This section should not be construed to prohibit groups, organizations, or entities from making public endorsements or using private funds that are not student fees for the passage or defeat of a constitutional amendment, initiative, or referenda, nor may any student fees be contributed to a candidate.
 - b. Monies used to advocate for or against any candidate, ticket, or movement
3. No event may be paid for with student fees, awarded from funding source of CU Student Government if that event is used to solicit donations for monies that are:
 - a. Used to advocate for the election or defeat of a candidate;

- b. Used to advocate for the passage or defeat of a constitutional amendment, initiative, or referenda;
 - c. To be contributed to a candidate.
- 4. This shall not be construed to prohibit a group, organization, or any other entity from permitting candidates or those advocating for passage or defeat of a constitutional amendment, initiative, or referenda to campaign at an event supported by student fees as long as that event is not being used to solicit monies.
- 5. However, if a group, organization, or any other entity allows for candidates, tickets, or movements to campaign at an event supported by student fees, and if said event is open to the public, then it is prohibited for said group, organization, or any other entity to not allow other candidates, tickets or movements to also campaign at the same event.
- 6. If a group, organization, or any other entity allows for candidates, tickets, or movements to campaign at public events supported by student fees, said group, organization, or entity may set uniform campaigning rules for their event do not impede one campaigning party over another and may further ask for a campaigning party to cease campaign activities if they break said rules.
 - a. In making said rules, groups, organizations, or entities should consider activities they find disruptive to their events and contact the Election Commission if they require guidance or assistance in setting fair rules.