

# **The Election Code** *of the* **Undergraduate Association** *of the* **Massachusetts Institute of Technology**

## **Article I: Purpose**

The purpose of the Election Code shall be to govern the election of the Undergraduate Association President and Vice-- President, Class Officers, and any other positions for which the Undergraduate Association Council mandates a democratic, campus-- wide election. The Election Code shall also govern the procedures for advisory questions and referenda.

## **Article II: The Election Commission**

### **Section A: Membership**

1. The Election Commission shall consist of no fewer than three and no more than eight members of the Association. They shall be nominated by the outgoing UA President, and approved by a majority vote of the full voting membership of the Council. The term of membership on the Election Commission shall be one year, beginning on the last Council meeting of the spring term and ending the last Council meeting of the spring term of the following year.
2. The outgoing UA President, with the majority approval of the full voting membership of the Council, shall appoint one member of the Commission to be the Election Commission Chair.
3. In the case that the Commission Chair cannot serve their full term, the UA President shall nominate a new Election Commission Chair who must be approved by a majority vote of the full voting membership of the Council. If the UA President deems installation immediately necessary, the Principal Officers must approve the Acting Commission Chair with at least a 4/5 vote until the next Council meeting.
4. The Judicial Board may approve, decline, or modify the final list of commission members before final vote by the Council.
5. No person intending to run for office in UA elections may sit on the Commission. The UA President shall immediately replace any member who obtains a petition for office with confirmation from the Council.

### **Section B: Responsibilities and Powers**

1. The Commission shall be responsible for the execution and primary interpretation of the Code, and for the preservation of the integrity of the election.
2. The Commission shall be responsible for informing living groups they may set restrictions for campaigning within their living space. The governing bodies of the living groups may request a formal investigation by the Election Commission in the case of a potential violation.

3. The Commission shall be empowered to enact any special rules governing the election process that do not conflict with the UA Constitution, the Bylaws of the UA Council, or this Code.
4. For each election, the Commission shall set the schedule for the election, interpret the campaign rules, hear official complaints, and impose sanctions as necessary. It shall also be responsible for managing the electronic voting system, organizing debates and study breaks, generating publicity, and compiling the candidate's petitions and platforms. After voting is complete, the Commission shall be responsible for counting the cast votes and publicly disclosing winners and complete voting tallies in a timely manner.
5. The Election Commission Chair may, at their discretion, assign individual members or groups of members to fulfill the duties of the Commission or perform any of them themselves, as appropriate.
6. The Election Commission Chair, at their discretion, may close meetings of the Commission to only members of the Election Commission and members of the Judicial Board.

## **Article III: Candidate Qualifications**

### **Section A: Types of Candidates**

1. Candidates are defined to be any people that make their intent to run for office known to the Commission.
2. An "official candidate" is a candidate who has been officially declared valid by the Commission according to the criteria defined in III.B.4.
3. All elections shall supply ballots with an option for a write-- in candidate. Write-- in candidates may not be declared the winner of a race until they demonstrate that they are a registered undergraduate, sign the Statement of Candidacy (see III.B.1.c), and satisfy any additional requirements set by the Commission.

### **Section B: Petitions for Official Candidates**

1. Candidate Petition Materials shall include:
  - a. A copy of this Election Code.
  - b. A schedule of election events and deadlines.
  - c. The following statement of candidacy: If elected to the office of \_\_\_\_ of the Undergraduate Association, I \_\_\_\_ hereby promise to fulfill all responsibilities of my office as enumerated in the Undergraduate Association Constitution, Uniform Class Constitution, other bylaws of the Undergraduate Association, and the Undergraduate Association Election Code. I fully understand that failure to do so shall be grounds for removal from office. I agree to follow all campaign rules and procedures as laid out in the candidate packet, and understand that failure to do so may result in sanctions up to and including disqualification from the election.
  - d. An official form for signatures.
  - e. A budget form.
  - f. Any other materials that the Commission chooses to supply.
2. No individual may submit a petition for more than one office of any given type (UA President/Vice-- President and Class Council) during the same election.

*Last updated: January 19, 2021*

3. Candidates who change their running mate after they have begun gathering petition signatures may be required to collect new signatures by the Commission. The amount of new signatures to gather shall be determined by the Commission on a case-- by-- case basis.
4. The Commission shall not declare any candidate “valid” until the candidate has submitted a completed petition packet. A completed petition packet shall contain:
  - a. Proof of registration as an undergraduate. Such proof may be obtained from the Student Services Center (11--120).
  - b. A signed Statement of Candidacy (III.B.1.c)
  - c. A list of signatures for the petition
  - d. Any additional requirements set by the Commission.
5. The Commission shall review all submitted petition packets and shall inform all candidates with deficient packets within 48 hours of their submission. The Commission shall declare all validated candidates before the beginning of voting
6. In the event that a write-- in candidate (see III.A.3) is declared the winner of an election, the candidate must obtain proof of registration and submit it to the Commission, as per III.B.4.a. The proof of registration must be submitted by a date specified by the Commission before the beginning of voting. If the write-- in candidate is unable to provide proof, they shall be removed from office and the office shall be declared vacant.

### **Section C: Candidate Platforms**

1. All official candidates shall be required to submit a platform, which shall describe the candidate’s goals for office.
2. The Election Commission may, at its discretion, remove content from a platform that it deems to be an unreasonable attack against an individual or a group. Before doing this, the Commission shall notify the candidate of the offending material and present the candidate an opportunity to voluntarily amend the platform.
3. The Election Commission may require candidates to submit platforms in specified file formats and by a specified date. If the platform is not submitted in the correct file format and by the specified deadline, the Election Commission may choose not to post the platform.
4. Platforms and photographs must follow the MITnet Rules of Use as published by Information Services & Technology.
5. All platforms, photographs or election results shall remain online indefinitely. Requests for removal shall be ignored.

### **Section D: Late Petition Policy**

1. The Election Commission shall establish a regular deadline to submit election petition materials. All candidates who submit their materials by this deadline and are validated by the Commission shall be guaranteed inclusion in all official election events and shall be included on the ballot. If a candidate submits petition materials before the regular deadline but cannot be validated, the Commission shall allow the candidate up to five days to correct the errors, unless it deems that doing so will allow for an unfair advantage, or will place an undue burden on the Commission.

*Last updated: January 19, 2021*

2. The Election Commission shall also establish a late deadline to submit election petition materials. Candidates who cannot make the regular deadline may petition the Commission for permission to submit their materials by the late deadline. In the event that a candidate who is given permission to submit petition materials by the late deadline does so but the materials are found to be incomplete, the Commission will determine on a case-- by-- case basis whether the candidate may correct the error and if so, by what deadline.
3. If no petition materials are submitted for a position by the regular deadline, the Commission shall accept all petition materials from any candidate by the late deadline without that candidate having to receive written permission from the Commission. If no petition materials are received by the late deadline, the Commission shall accept petition materials until the start of voting for the election.

## **Article IV: Timetables and Offices**

### **Section A: Fall Elections Calendar**

1. Fall Elections may be announced to the incoming freshman class during the summer via the ASA Student Activities Mailing.
2. Candidate packets for Freshman Class Council shall be due the first Monday of October, and elections shall commence within two days after packets are due.
3. Petitions shall be made available for at least four days before they are due.
4. Fall elections shall be held no less than one week after petitions are available.
5. The Senior Class Council and the Election Commission shall be jointly responsible for freshman event programming in September before there is a Freshman Class Council. The Election Commission Chair shall coordinate with the Senior Class President in August.

### **Section B: Spring Elections Calendar**

1. Annual elections for the spring term shall be announced by the last regular meeting of the UA Council of the fall term.
2. Elections shall be the week before Spring Vacation.
3. This schedule may be altered by a 2/3 person vote of the full voting membership of the Council. If the regular election week is within 3 weeks, schedule alterations shall require a 3/4 person vote of the full voting membership of the Council.
4. Petitions shall be made available at least for two weeks before they are due.
5. Spring elections shall be held no less than four weeks after petitions are available.
6. Newly elected officers shall be installed at the last UA Council meeting of the spring term.

### **Section C: UA President and Vice President Elections**

1. The UA President and UA Vice President (UAP/VP) shall be elected during spring elections.
2. The official signature petition for UAP/VP shall require the signatures of between five and ten percent of all undergraduates. The signatures on these petitions shall not be collected in an

impersonal manner, and will be marked to indicate such. Violation of this stricture on signature collection will be considered a minor infraction by the election commission.

3. A joint UAP/VP debate shall be held during spring elections.
4. The newly elected UAP/VP shall be required to take the following oath of office: I, \_\_\_\_\_, do solemnly swear to execute the duties and responsibilities of the position to which I have been elected. Further, I will seek to maintain the integrity of the Undergraduate Association and its Constitution. I understand that failure to perform my duties, as stated in the Constitution and other rules of the Association, is grounds for removal from office.

### **Section D: Class Council Officer Elections**

1. Class Council officers for all non-graduating undergraduate classes shall be elected during spring elections. In addition, a freshmen class council shall be elected during fall elections.
2. The official signature petition for Class Council officers shall require the signatures of between ten and fifteen percent of all class members. The signatures on these petitions shall not be collected in an impersonal manner.
3. The newly elected Class Officers shall be required to take the following oath of office: I, \_\_\_\_\_, do solemnly swear to promote excellence in the affairs of my class and to continually strive to improve the quality of life of my constituents. I will also fulfill all of the requirements of my position as stated in the Uniform Class Council Constitution. I fully understand that failure to perform my duties is grounds for removal from office.

### **Section E: Off-Campus Representative Elections**

1. An Off-Campus Representative for the UA Council shall be elected by members of the Association that do not reside in any of the other represented constituencies.
2. This Representative shall be elected in December for a term aligned with the calendar year.
3. Anyone that is a member of multiple represented constituencies (e.g. a member of a sorority residing off- campus) must declare themselves in writing to the Commission to be a member of the off-campus constituency for a minimum of one month before this election to be eligible to run for this position. Exceptions to this rule may be made by the Election Commission Chair on a case-by- case basis.
4. Petitions shall be made available for at least five days before they are due. No signatures shall be required for these petitions.

### **Section F: Other Elections and Offices**

1. If there is no majority winner, runoff elections shall be held one week following the regular elections.
2. Special elections shall be announced at least ten academic days in advance of the first day of the elections.
3. Petitions for special elections shall be made available at least ten days prior to the elections.
4. The nature of the signature petition and election calendar for all other offices for which the UA Council mandates a campus-wide election shall be guided by the Council. In the absence of specific requirements, the Commission shall determine the nature of these items.

## **Article V: Procedures for Elections**

### **Section A: Meetings**

1. There shall be a meeting of all official candidates and current officers to discuss the offices being sought and general campaign rules established by the Commission. Petitions shall be distributed at this meeting. Official candidates who cannot attend the meeting shall obtain a petition from the Commission after the meeting.
2. Debates will be held for the offices of UA President and UA Vice President. A debate for Senior Class Council presidents will be held at the request of any of the candidates. Other Class Council positions may be required to have debates at the discretion of the Election Commission.

### **Section B: Campaigning**

1. Campaigning is defined as publicly promoting one's candidacy—including postering, emailing, chalking, giving speeches, and promoting a campaign website—but excluding gathering petition signatures. Additional activities that shall be deemed to be campaigning for the purposes of a given election shall be defined at the discretion of the Commission.
2. The Commission shall limit the value of campaign materials to \$250. Campaign materials include anything spent on the campaign by candidates or supporters. All support campaign materials can be reimbursed through the UA. After campaigning ends and before elected officials are installed, all candidates shall submit a statement of campaign finances to the Commission -- even if no expenses were acquired.
3. Campaign rules, possible violations, and guidelines for sanctions shall be defined by the Election Commission in writing before petitions are available, and shall be approved by a majority vote of the full voting membership of the council. All candidates (official and write-in) and campaign helpers must follow the rules. Candidates will be responsible for any fines incurred for postering violations, and may be disqualified for unpaid fines. The candidates must be required to sign a statement, stating they are responsible for all ASA postering violations from all campaign materials.

### **Section C: Campaign Violations**

1. Complaints regarding campaigning violations shall be directed to the Election Commission Chair (or a designee thereof). The Election Commission Chair (or the designee) shall send an acknowledgement of receiving such complaint within two days of its receipt to the rest of the Election Commission and all parties involved.
2. The Election Commission shall conduct an investigation to determine the merit of the complaint and impose any necessary sanctions. This shall be completed in a timely manner.
3. An official statement of any campaign violations decisions shall be sent within a day of the decision.
4. Appeals of the decision must be lodged to the Judicial Board within three school days of the decision.

## **Section D: Elections**

1. The Commission shall make provisions for absentee balloting upon request. Requests must be made by one week before the start of electronic voting. Absentee ballots shall be due no later than 5pm of the last day of the election.

## **Section E: Balloting**

1. Voting shall be done in a preferential manner and the winner determined according to the following procedure:
  - a. Ballots shall be grouped by first choice.
  - b. The ballots of the candidate receiving the fewest votes for first choice shall be regrouped according to the next preference specified on the ballots still remaining. If there is a tie for the candidate receiving the fewest votes, both candidates' ballots shall be regrouped.
  - c. If at any time a ballot does not specify the next preference, it shall be removed from the count and not included in the number of votes cast for that round.
  - d. If at any time an eligible candidate receives more than 50% of the votes cast in that round, they shall be declared the winner.
  - e. For groups with more than one seat, ballots will be sorted in a preferential manner until there are the same number of eligible candidates left as there are seats.
  - f. In case of a tie, a runoff election will be held between the eligible candidates who tied with the highest number of votes.
2. The Commission shall be responsible for counting the votes cast and shall publicly disclose the results of the election, including the winners and complete vote tallies, by 10pm on the day following the end of the election.
3. The Commission shall have the power to declare the results of a race to be invalid. Partial results may also be declared invalid (e.g. paper balloting results are invalid; electronic results are valid). The Commission shall determine when a revote is to be held in a timely manner.
4. Should a write-- in candidate receive the most votes, yet be determined ineligible to win the race, the first eligible candidate with the most votes shall be declared the winner. In case of a tie among eligible candidates in this situation, the procedure that is outlined in Article V, Section F, Clause 1, Paragraph f shall apply.

## **Article VI: Advisory Questions and Referenda**

### **Section A: Advisory Questions**

1. The submission of a matter to a vote by the Association can be made by six Council Representatives or by a written petition signed by five percent of the Association.
2. The deadline for such action shall be the same as the deadline for candidates' petitions.

### **Section B: Binding Referenda**

1. The submission of a matter to a binding vote by the Association can be made by a majority vote of the full voting Membership of the Council or by a written petition signed by ten percent of the Association. The result of the vote shall be binding on the UA, if applicable, if at least twenty percent of the Association voted.

*Last updated: January 19, 2021*

2. Binding referenda may be held at the regular election with the same deadline as the candidates' petitions, or at a special election called by the Election Commission.

## **Article VII: Amendments**

1. Amendments to this Code may be made by a three-fourths population vote of the UA Council. Changes by referendum shall also require a three-quarters majority and shall not take place during the term specified.

## **Article VIII: Emergency Protocol**

1. In the event of an emergency, which includes but is not limited to an extended closure, a natural disaster, civil unrest, or pandemic illness, in which not everyone has equal access to campus, the Election Commission may amend the code for the given term with the approval of the Judicial Board to better accommodate all students and to adjust for any new guidelines provided by the Institute