University of Colorado Student Government

Election Code

I hereby affirm that this is a true and accurate representation of the CUSG Election Code that will govern Spring 2018 CUSG Election.

Alexa Donner, Election Commissioner
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Section 101: Definitions

(a) The following definitions will be used throughout this following Code
(b) Definitions:
   (1) CUSG- University of Colorado Student Government.
   (2) 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
       Constitution will collectively constitute the Executive(s) as though they were one.
   (3) Representative-at-large: A Representative-at-large is one and the same member of
       the Representative Council.
   (4) Election: The election will be defined as the time designated by the Election
       Commissioner during which voters may cast their votes for candidates on a ballot.
   (5) Campaign: The Campaign for CU Student Government office will begin immediately
       following the Candidates Meeting and end with the certification of the election result
       by the Election Commissioner.
   (6) Polling: The solicitation of an eligible voter to cast their vote while at the same time
       providing the physical means to vote.
   (7) Members of the CU Student Government: Any CU Student Government base fee
       paying student.
   (8) Normal Campaign Materials: Buttons, pins, stickers, handbills, flyers, poster
       informational sheets or business cards.
(c) 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.
(d) 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

(a) The purpose of this Code is to provide for open, fair, and efficient CU Student
    Government elections.
(b) 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 educational mission of the University and its students.
    This Code is not intended to be bound by state or federal election law or regulation.

Section 103: Amendment & Governance

(a) The election Code may be amended at any time by a two-thirds majority, present
    and voting of the Legislative Council.
(b) The Election Commissioner will only enforce the provisions set forth within this Code
    starting at the time of the Candidates Meeting and ending when the results of the election are
    certified.
   (1) The Election Commissioner will certify the election Code that will govern the
       election with the following declaration ·'I hereby affirm that this is a true and
       accurate representation of the CUSG Election Code that will govern the
       [Fall/Spring Year] CUSG election ·The declaration will be signed by the Election
Commissioner.

(2) The Election Code may be amended during the Campaign, however amendments made during the Campaign shall only take effect after the certification of the election results.

(c) A bi-annual review of the Election Code shall be completed by the election commission, and shall occur no later than 4 weeks after the completion of the fall and spring election cycles.

Section 104: University Policy

(a) The Election Code and all activities contemplated herein are subject to University policies, including but not limited to policies of the Boulder campus, Administrative Policy Statements, and Regent Laws and Policies.

(b) University policy shall control in the event of conflict between the Election Code and any University policy.

Section 105: Constitutional Authority

(a) If any of the provisions contained herein this Code are in conflict with the Constitution of the University of Colorado Student Government, they shall be null and void. and those provided by the Constitution shall always take precedence.

Chapter 2 – Election Commission

Section 201: Selection, Compensation, and Removal

(a) The Executive(s) will review applications and interview applicants for the Election Commissioner position and present their nomination to Representative Council. They will nominate the most qualified candidate to the position.

(b) The nominee for Election Commissioner will be appointed by the Representative Council and ratified by two-thirds, present and voting, of the Legislative Council.

(c) The Election Commissioner will be paid as a Student Assistant III. The Election Commissioner will not be paid for any time expended before ratification by the Legislative Council. This position is considered an extracurricular position for purposes of the Fair Labor Standards Act or other wage and hour or overtime laws.

(d) The Election Commissioner may be removed by a supermajority of two-thirds of the entire Legislative Council via Impeachment, or upon request by the Executive(s) subject to appeal by the Election Commissioner to Legislative Council.

(e) The Election Commissioner's term will end upon resignation of the Commissioner or upon expiration of the Executive term, whichever may come first.

Section 202: Duties and Responsibilities

(a) The Election Commissioner's primary responsibility is to ensure an open, fair, and efficient CU Student Government elections.

(1) The Election Commissioner will advertise and solicit qualified candidates for CU Student Government office.
(2) The Election Commissioner will promote the CU Student Government Fall and Spring elections to ensure the largest voter turnout reasonably possible.

(3) The Election Commissioner is authorized to spend funds appropriated for the election in furtherance of the duties listed within this Code.

(b) The Election Commissioner will perform all duties and tasks assigned by this Code.

(c) In the event of a disruption to the voting process the Election Commissioner may provide for additional time for voting. The amount of additional time should be reasonably related to the length and nature of the disruption. All post-election timelines may be adjusted as reasonably necessary as long as the extension does not exceed the duration of the extension of voting.

(d) The Election Commissioner will also be responsible for encouraging students to research candidates, initiatives, and amendments to be considered and to think critically about the implications of their vote.

Section 203: Assistant Election Commissioners

(a) The Election Commissioner must nominate between two and six Assistant Election Commissioners, who will be ratified by two-thirds, present and voting, of the Legislative Council.

   (1) Assistant Election Commissioners shall not be members of the Executive Branch, Legislative Branch, and the Appellate Court.

   (2) Assistant Election Commissioners shall not be current candidates for CU Student Government office.

(b) The Election Commissioner must continue to nominate Assistant Election Commissioners until there is between two and six Assistant Election Commissioners ratified by Legislative Council.

(c) Assistant Election Commissioners will be paid as a Student Assistant II. Assistant Election Commissioners will not be paid until ratification by the Legislative Council.

(d) Assistant Election Commissioner(s) may be impeached and removed by two-thirds of the entire Legislative Council or by the Executive(s) subject to appeal by the Assistant Election Commissioner to Legislative Council.

(e) Assistant Election Commissioners must be ratified before the start of the election.

(f) Assistant Election Commissioners will undertake any responsibility delegated by the Election Commissioner.

(g) 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 Legislative Council. Between the time of nomination and ratification, the nominee shall be the Acting Election Commissioner. All of the powers and authority of the office of Election Commissioner shall be devolved upon the Acting Election Commissioner. If the Election Commissioner does not designate a replacement, the Executive will choose one from the remaining members of the Election Commission.

(h) The Assistant Election Commissioners term will end upon certification of the election.
Section 204: Election Commission

(a) The Election Commissioner and the Assistant Election Commissioner(s) collectively constitute the Election Commission.
(b) The Election Commissioner is the Chair of the Election Commission.
(c) Quorum for the Election Commission is two-thirds of the current Election Commission.
(d) The Election Commission shall adjudicate and hear the Infraction Tribunal.
(e) The Election Commissioner and his/her assistants will function as a semiautonomous commission within the Executive Branch. The Commissioner will report directly to the Executive(s), as well as to the Legislative Council upon request.
(f) All members of the Election Commission shall swear the following oath at the time they are ratified at Legislative' Council. "I do solemnly swear that I will uphold the Constitution of the University of Colorado Student Government in the spirit in which it was created. I will 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." 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.
(g) The Election Commission will be responsible for interpreting and enforcing this Code. The Commission may issue written orders in pursuit of this responsibility. All decisions of the Election Commission must be made in writing and be made publically available, and candidates or Tickets will be notified. Any decision made will be applied to all Tickets and candidates.

Section 205: Election Committee

(a) The CU Student Government Legislative Council Elections Committee will act as the Election Commission during any time in which there is no Election Commission. Only actions undertaken by or at the direction of a majority, present and voting, of the Elections Committee are binding.
(b) The Committee will be defined and regulated by the Legislative Council Bylaws.

Chapter 3- Elections and Voting

Section 301: Eligibility

(a) Any CU Student Government base fee paying student shall be entitled to vote.
(b) Persons not attending the University of Colorado Boulder on the Boulder campus and who are not currently in the state of Colorado or the United States for the purposes of study abroad or similar programs will not be eligible to vote in ongoing elections until the time at which they have physically returned to the campus located at Boulder, Colorado.

Section 302: Election Schedule

(a) The fall elections will begin at 8:00a.m. on the Monday preceding the last Thursday of October and will conclude at 8:00p.m. on the last Thursday of October.
(b) The spring elections shall begin at 8:00 a.m. on the second Monday following spring break, as defined by the University of Colorado Boulder calendar,
and will conclude at 8:00 p.m. on the second Thursday of the same week.
(c) 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 than those defined in Section 302 (a) and (b). The notice must be submitted no later than seven weeks before the start of the Election.

Section 303: Offices

(a) 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 more shall be elected in the fall than in the spring.
(b) The Executive(s) shall be elected during the spring elections.

Section 304: Voting

(a) CU Student Government Elections will be conducted through an online voting system that provides:
   (1) A ballot that includes the candidate's name as it appears on the petition for candidacy and, if provided, a Ticket affiliation. The ballot will randomly order and present the candidates for a particular office.
   (2) A means for a voter to vote for write-in candidates.
   (3) A ballot that includes the full text of ballot measures and allows students to vote for or against ballot measures.
   (4) A ballot that allows the voter to select any number of candidates for a position.
(b) The Election Commissioner will arrange for the use of a compliant online voting system.
(c) If any eligible voter is unable to access the online voting system they may vote by paper ballot in the CU Student Government office, during regular business hours throughout the election period. Before a student may vote by paper ballot, the Election Commissioner, his/her designee, or a CU Student Government Office Manager shall verify that the person is an eligible voter and that the voter has not already cast a ballot in the election.
   (1) All paper ballots shall remain secured in the CU Student Government office. All cast ballots will be secured in a manner that ensures that only those who are eligible to vote by paper ballot will have their votes included.
   (2) All cast paper ballots will be retained until all certificates of election have been delivered.

Chapter 4- Candidates for CU Student Government Office

Section 401: Eligibility

(a) Any student paying full CU Student Government student fees is eligible to be a candidate for 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. No candidate will be charged a registration or petition fee.

Section 402: Petitions

(a) Campaign packets, consisting of candidacy petition, preliminary election Code, CU
Student Government Appellate Court Bylaws and Campus Use of University Facilities Policy (CUUF), will be made available at least seven weeks prior to the week of election.

(b) Any student wishing to appear on the ballot will apply for candidacy by submitting a petition with signatures from University of Colorado Boulder students who are eligible to vote in CU Student Government elections. Students intending to run for office must submit their name, email, and phone number to the Election Commissioner upon receipt of the petition packet. The petition will indicate the candidate’s name, the office sought, and an optional declaration of a Ticket affiliation.

1) The petition will include the printed name, signature, and student identification number of each signatory.

2) Applicants for candidacy for Representative-at-large will submit a petition with valid signatures and student identification numbers from 75 registered CU Student Government fee-paying students.

3) Applicants for candidacy for Executive shall submit a petition with valid signatures and student identification numbers from 150 registered CU Student Government fee-paying students.

4) Each individual candidate will be responsible for obtaining their signatures. Therefore, only one name will appear on a petition and also include the office sought by the candidate. If declared, the petition may also include the name of the candidates Ticket.

(c) All petitions must be submitted by 5:00 pm on the Monday 5 weeks prior to the beginning of the election.

(d) The Election Commission and/or the CU Student Government Office Manager will verify the signatures on each petition.

1) The signatures will be verified by selecting a signature at random and verifying that signature, and every tenth signature thereafter until 10% of the signatures have been reviewed.

2) A signature will be considered valid if the name matches the student identification number.

3) Based upon this review a percentage of valid signature will be determined and applied to the total number of signatures.

4) Any applicant may appeal the determination of valid signatures on their petition. Upon appeal an unverified signature will be selected and the verification process will be repeated.

(e) Any applicant who is determined to have submitted a petition with the required number of valid signatures will be declared a candidate and their name will appear on the ballot for the office declared on their petition.

(f) 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.

Section 403: Write-in Candidates

(a) 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 5:00p.m. on the Friday five weeks prior to the election.
(b) The Election Commissioner will count every write-in vote for a write-in candidate if the Election Commissioner is able to determine the voter's intent to have their vote cast for a write-in candidate. A write-in vote for a candidate whose name appears on the ballot will not be counted.

(c) The Election Commissioner may permit a write-in candidate to appear on advertisements paid for by CUSG or to attend any candidate events coordinated by the Election Commissioner. The Election Commissioner, however, may permit exclusion from appearance on advertisements if they determine that doing so would undermine the efficiency and effectiveness of the advertisement. If the Election Commissioner opens an advertisement or event to one write-in candidate, they shall open the advertisement or event to all write-in candidates for the same office.

Section 404: Candidates Meeting

(a) All candidates must attend a Candidates Meeting the Wednesday after Petition Packets are due.

(b) At the Candidates Meeting, to be eligible to be on the ballot, candidates must sign a contract. This contract will consist of:
   (1) An agreement to be bound by this Code. A candidate will not appear on the ballot until they have reviewed and agreed to comply with this Code. A write-in candidate will not be declared a write-in candidate unless they agree to comply with this Code.
   (2) Candidates must assure they provide their name, as it is to appear on the ballot. Changes will not be permitted after the candidates meeting.
   (3) All candidates running under the same Ticket name must sign a contract confirming Ticket membership by the due date for submission of the Candidate Biographies.
   (4) A notification stating that any member of student government may have the contents of their work email, work calendar, or time cards requested by the Election Commissioner in their investigation of election infractions
      i. Complainants may request the specific documents listed in the previous clause only through the proper channels established in Section 1004(a)(7) of this document.

(c) If a candidate cannot attend the mandatory meeting they may send someone in their place or make arrangements with the Election Commissioner to receive the information provided at the meeting at a later time. Such arrangements must be made prior to the candidates meeting. Candidates are still responsible for signing the contract themselves.

(d) The Election Commissioner must turn in campaign contract forms by the following day to the CU Student Government Office Manager.

(e) Candidates should submit a candidate bio within a date set by an Office of Information Technology (OIT) timeline and the Election Commission. Changes on the CUSG website will need the Election Commissioner’s approval.

Section 405: Candidate Debate and Town Hall

(a) The Election Commission will facilitate at least one candidate debate and one town hall. One of these must occur the week before the general elections.

(b) 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.

(c) The Election Commission shall be responsible for promoting town halls and debates and
shall work with any sponsors of said events to do so. Agreement to cooperate with and assist the Election Commission for the purposes of promotion and event execution shall be a perquisite for organizations wishing to be sponsors. Proper notice of debate and town hall format, date, and time must be provided to candidates at the mandatory candidates meeting. A week before each event, candidates will be informed of the topics and location.

Section 406: Election to Office

(a) The candidate(s) receiving the greatest number of votes for the office of the Executive(s) will be elected. Candidates who have declared that they are running together for the office of the Executives must be elected as a unit.

(b) The candidates receiving the greatest number of votes for the office of Representative-at-Large will be elected until all open seats are filled.

(c) In the event of a tie for the winner of any office, the tie will be broken by an additional day of voting to begin the Monday following the last day of voting at 8:00a.m. and to end at 5:00p.m. of the same day. The Election Commissioner will notify all candidates involved in the tie-breaker vote by 10:00p.m. on the last day of elections and will 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.

(d) In the event of a tie and subsequent run-off election, all deadlines already set by the Election Code will remain valid. Should any deadlines need to be extended, the Election Commissioner must submit written notice to the Legislative Council President, the Executive(s), and CU Student Government office staff.

(e) If after a tied race there are subsequent ties, the Election Commissioner will assign the Chief Justice of the Appellate Court to flip a coin to determine the winner of the race. The coin-flip will be done publicly and in the presence of all affected candidates and the Election Commission. The Election Commissioner must document the result of the coin-flip.

Section 407: Withdrawal

(a) 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.

(1) If a member of a group of Executive(s) candidates withdraws, any remaining candidates may continue the candidacy and no votes shall be invalidated. Members may not be added to the Executive group.

(b) Once a candidate issues their intent to withdraw they will be removed from, or not placed on, the ballot and will not be included in any advertisements or election events. Any votes cast for the withdrawn candidate will be invalidated.

(1) Votes for Executives will only be invalidated if the whole group for the Executive office withdraws.
Chapter 5 - Ballot Measures

Section 501: Rights and Constitutional Precedence

(a) The members of the CU Student Government have the right to vote directly on amendments to the CU Student Government Constitution. This includes matters referred to the students by the Legislative Council and matters initiated by the students directly.
(b) 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.

Section 502: Constitutional Amendments

(a) Constitutional Amendments may be placed on the ballot by the students directly or by the Legislative Council.
   (1) The Legislative Council may refer a Constitutional Amendment to the students by two-thirds, present and voting, of the Legislative Council. At least one (1) week must elapse between the first and second reading of proposed Constitutional Amendments. The proposed amendment(s) for spring election season are due to the CU Student Government Election Commissioner no later than 7p.m. on Friday of the week the candidates meeting falls on. The proposed amendment(s) for a fall election season are due no later than 7p.m. on Friday of the week the candidates meeting falls on.
      i. The Executive shall have no veto power over this action.
   (2) The students may initiate a Constitutional Amendment with the submission of a petition requesting the Constitutional Amendment be placed upon the ballot. The completed petition for the amendment must be delivered to the Election Commissioner no later than the mandatory Candidates Meeting.
   (3) A Constitutional Amendment will be declared adopted if it meets the requirements of Article XVI of the CU Student Government Constitution.

Section 503: Referenda by Legislative Referral

(a) The Legislative Council may refer, by a majority present and voting, a bill or resolution to the students. For a spring election, the Legislative Council must deliver their resolution or bill to the CU Student Government Election Commissioner no later than 7p.m. on Friday of the week the mandatory Candidates Meeting falls on. The proposed resolutions or bills for a fall election season are due no later than 7p.m. on Friday of the week the mandatory Candidates Meeting falls on.
(b) The bill or resolution will be adopted if it meets the requirements of Article XIII of the CU Student Government Constitution.
(c) Adoption of a bill or resolution by referendum will have the same effect as though the bill or resolution were 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.
   (1) The Executive shall have no veto power over this action.
   (2) Any referendum that would allocate or endorse allocation of student fee monies to a student group is not binding to CU Student Government and will be taken for advisory purposes only.
Section 504: Student Enacted Referendum (Initiatives)

(a) The students of the University of Colorado Boulder may petition to have a bill, resolution, or Constitutional Amendment placed upon the ballot. The petition must be completed and turned into the CU Student Government Election Commissioner no later than 5pm on the Tuesday following the mandatory Candidates Meeting.

(b) A bill or resolution will 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 in the election as prescribed by Article XIII of the CU Student Government Constitution.

(c) Adoption of a bill or resolution by Initiative will have the same effect as though the bill or resolution were 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.

(1) The Executive shall have no veto power over this action.

(d) Any initiative that would allocate or endorse allocation of student fee monies to a student group is not binding to CU Student Government and will be taken for advisory purposes only.

(e) Upon submission of the proposed language to the Election Commissioner, the Election Commissioner will immediately consult with University Legal Counsel on all student petition-initiated referenda. 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 Commissioner will reject the referendum. The Election Commissioner will issue a written decision on the referendum. Notice of the decision will be given to the party proposing the referendum by transmitting the decision via electronic mail to the party’s University of Colorado email address. Notice is effective on the date of transmission. After a proposed referendum has been approved or rejected, the Election Commissioner will then hold a referendum hearing with University Legal Counsel, the Appellate Court Chief Justice, and the petitioning party to discuss the intent of the referendum and any potential legality issues with the proposed referendum. If it has been determined that the proposed referendum has been accepted, the purpose of the hearing will be to inform the petitioning party about the remainder of the referendum process, and their continuing responsibilities throughout the process. If it has been determined that the proposed referendum has been rejected, the hearing will provide an opportunity for the Election Commissioner to describe the appeals process, and assist the petitioning party in exploring avenues of advocacy that are not in violation of established Law.

(1) If the Election Commissioner rejects a referendum, the party proposing the referendum may appeal to the Appellate Court by filing a petition in accordance with Appellate Court Rule 13 within ten (10) calendar days of notice of the Election Commissioner's decision.

i. Any appeal will be heard under the Appellate Format as set forth in Appellate Court Rule 23.

ii. Review will be limited to a determination of whether the Election Commissioner has abused their discretion.
Section 505: Petition Requirements

(a) All of the requirements of Article XIII.C of the CU Student Government Constitution are binding on this Section.

(b) A petition to place a Constitutional Amendment or Initiative question on the ballot by the students must have the signatures of five percent (5%) students who are eligible to vote in CU Student Government elections, as prescribed by Article XIII.C.4 of the CU Student Government Constitution.

(c) A petition to place a Constitutional Amendment or Initiative on the ballot will set forth a title of the measure and the entire text of the proposed amendment or initiative and will specify that the measure is a Constitutional Amendment or an Initiative. The petition must have the exact wording of the Student Enacted Referendum on the same sheet of paper on which signatures are taken.

(1) If the Student Enacted Referendum question is so lengthy that this is impractical, all 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.

(d) All petitions to place a measure on the ballot must be submitted by 5pm the Tuesday following mandatory Candidates Meeting.

(e) Petitions for a ballot measure will be validated in the same manner as petitions for candidacy. All signers of a petition must be eligible voters as defined by Section 30 I of this Code and provide their names and student ID numbers.

Section 506: Ballot Requirements

(a) Constitutional Amendments will be numbered from 1 on; initiatives will be numbered from 101 on; referenda will be lettered from A on.

(b) 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 while voting.

(c) A purpose statement will be provided for all amendments, referenda and initiatives explaining the impact and reason for the ballot measure. This statement will be due at the same time as the petition to place the measure on the ballot is due.

(d) The official ballot will be announced two weeks prior to the election.

Section 507: Conflicting Measures

(a) If provisions of two or more measures approved in the same election conflict, those of the measure receiving the highest affirmative vote shall prevail.

(b) 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

(a) 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

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

Chapter 6 - Tickets and Independent Candidates

Section 601: Definitions

(a) Ticket: A group of two or more candidates who organize under one name and have registered their names as such with the Election Commissioner.
(b) Volunteer: Any person promoting a candidate or Ticket at the direction of a candidate or Ticket.
(c) Independent Candidate: Any candidate not registered with the Election Commissioner as being on a Ticket.

Section 602: Ticket Creation and Membership

(a) Any group of two or more candidates must declare their intent to run as a Ticket by the candidate biography due date. No Tickets may be created after this deadline.
(b) Ticket membership cannot change 7 days prior to the start of the election.
   (1) Tickets wishing to remove a member from their Ticket must present written notice to the Election Commissioner.
      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.
   (2) Candidates may withdraw themselves from a Ticket by providing written notice to the Election Commissioner 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.
   (3) Tickets may add candidates after the Candidates Meeting by providing written notice to the Election Commissioner.
(c) Each Ticket may only have as many Representative candidates as the number of electable Representative seats in the current election.
(d) Each Ticket may only have one group of candidates running for the office of the Executive.
(e) Any campaign expenditures made by an Independent Candidate before joining a Ticket shall be added on to the total amount of campaign expenditures made by any Ticket they join.

Section 603: Rights of Independent Candidates:

(a) 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

(a) The terms below 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.
(c) The Election Commission shall not hear complaints filed against itself, nor shall any infractions be filed against the Commission. This shall not be construed to deny or disparage the rights of students 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.

Section 702: Class A (Disqualifiable) Violations (10 points per violation)

(a) Interfering with the vote count mechanism.
(b) Engaging in any of the following activities during a Campaign:
   (1) Loss of good disciplinary standing with the University as defined by the Student Code of Conduct.
   (2) Failure to attend the Candidates Meeting, or failure to make a reasonable attempt to receive the pertinent information provided from the Election Commissioner if they cannot attend.
      i. Every candidate who fails to do so, shall be individually responsible and shall be automatically disqualified.
      ii. Tickets shall not be held jointly responsible for failure of one or more candidates failing to meet this requirement.
   (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 which substantially affects the outcome or integrity of the electoral judicial processes.
   (4) Exceeding the campaign finance spending limits as defined in this Code.
   (5) Using CU Student Government fees, funds, or resources for a campaign purpose, or using such fee monies that were not provided by the Election Commissioner for purchases in pursuit thereof.
      i. This section shall not be construed to prohibit the Election Commissioner from spending fee monies on materials provided to all candidates and/or Tickets for the promotion of the election, or to drive voter turnout.
      ii. Nothing in this section shall be construed to prohibit a candidate from campaigning in the public spaces of CU Student Government cost centers.
   (6) Failing to report sources of funding or severely misrepresenting or failing to report expenditures.
   (7) Submitting multiple ballots, modifying any ballot other than one’s own, or submitting a ballot for another person.
   (8) Bribing any voter or group of voters. Bribery is defined as a prize, reward, gift or favor given or promised in order to influence another to vote for or against a particular
candidate or ticket. Normal Campaign Materials approved by the Election Commission and given during official campaigning shall not constitute as a bribe or bribery.

(9) Bribing, conspiring with, claiming an endorsement of, or otherwise corruptly influencing a member of the Election Commission, Appellate Court Justice, or any other person involved with the operation of the election.

(10) Intimidating, impeding, threatening, or retaliating against voters, parties to an Election Commission and/or Appellate Court case, witnesses that have been requested for testimony and/or evidence in a hearing of the Election Commission and/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.

(11) 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, or the integrity of the judicial processes.

Section 703: Class B (Major) Violations (5 points per violation)

(a) Willfully violating a lawful order from the Appellate Court or Elections Commission.
(b) Providing false or misleading information, evidence, or testimony to the Elections Commission of the Appellate Court.
(c) Refusing to appear before the Election Commission or Appellate Court, when summoned. 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 an chance occurrence or unavoidable accident that is not the result of negligence or misfeasance by the individual). It shall be the Election Commission or Appellate Court's obligation to ascertain the validity of any claim as to the above.
(d) Blocking any entrance or otherwise restricting the flow of pedestrian traffic on campus in order to impede an activity related to an election such as voting, polling, or campaigning.
(e) 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:

i. Within one-hundred feet of a Neutral CU Student Government Polling Place as defined in section 901 (b) and section 902 of this Code.
ii. 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
iii. Within any CU Student Government Office, in a Legislative Council meeting or those of Representative Council or the Council of Colleges and Schools, in a meeting of any CU Student Government Joint or Advisory Board, or Committee. Nothing in this section shall be construed to prohibit a candidate from campaigning in the public spaces of CU Student Government cost centers.
iv. This section 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.
v. Wearing campaign related apparel is prohibited in any official meeting of any CU
Student Government body, or in the CU Student Government Office.
(f) Posting Normal Campaign Material within any branch of any library on campus. This
section shall not prohibit the use of legally reserved rooms within the libraries for
campaign meetings
   i. Use of said rooms may entail the organization and distribution of Normal
   Campaign Material to volunteers of a campaign but posting said materials in said
   library or handing out Normal Campaign Material outside of legally reserved rooms
   inside the library is prohibited.
(g) Claiming an endorsement of an individual, group, organization, etc. without their/its consent.
Candidates should, but are not required, to obtain endorsements in writing.
(h) Disseminating information intended to mislead or deceive voters as to how and when
they can vote.
(i) Intentionally disseminating information that is objectively and provably false in order to impede
or influence activities related to an election.
(j) Any use of official University of Colorado copyright or trademark in a way that would
lead the voter to believe that the candidate or Ticket is endorsed by the University.
(k) Distribution of a consumable to any voter who is not a volunteer. A consumable is
defined as any food, drink, other foodstuffs (including but not limited to candy) or other
handouts or gifts that are not considered Normal Campaign Materials.
(l) Campaigning on the property of any location legally authorized to sell or serve alcohol or other
controlled substances such as marijuana.
(m) 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.

Section 704: Class C (Minor) Violations (2 points per violation)

(a) Destroying, defacing, covering, moving or removing from their places, posters, signs,
banners, leaflets or flyers of the CUSG, student organizations.
(b) Violating a written order or decision of the Election Commissioner or Election
Commission.
(c) Filing malicious, frivolous, misleading, or bad faith charges or complaints against any
candidate, Ticket, proponent, or opponent to the Election Commission.
(d) Loitering within one hundred feet of CUSG Neutral Polling Places as defined in Section
901 (b) and 902.
(e) Violating the Campus Use of University Facilities (CUUF) Policy.
(f) Turning in campaign finance documents after the deadline set by this Code.
(g) Being found in contempt of the Appellate Court or Infraction Tribunal.
(h) Using the intellectual property of another person or organization to campaign, without the
permission of the rightful owner. Candidates should, but are not required, to obtain
permission in writing. Fillings for this violation can only be brought by the rightful
owner.
(i) Any publishing of posters, flyers, or handbills on a material that is not capable of being
recycled by the University.
A single act of publishing is constituted by 1) the act of purchasing or receiving a material that is not capable of being recycled, 2) printing or copying posters, flyers, or handbills of a single design, regardless of quantity, and 3) distributing the posters, flyers, or handbills to the public. 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. 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 after it has been created under this section.

Chapter 8 - Campaign Finance

Section 801: Campaign Expenditures

(a) A campaign expenditure is any money spent or the receipt of goods or services paid for on the candidate's behalf for the purpose of electing a candidate to office. Campaign expenditures include the spending of money or the acceptance of goods or services the candidate received as a campaign contribution.

(1) A good is any item, product, or commodity that is provided for sale. A service is the provision of labor in exchange for compensation. The value of a good or service will 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. If a good or service is offered at a discounted rate, the normal undiscounted rate will be used for the purposes of calculating campaign expenditures. If, however, all campaigning parties in an election could have reasonably obtained the same or similar discount, then the discounted rate will be used to calculate campaign expenditures.

(2) 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. If a person, persons, or entity is providing services at a discounted rate the difference between the normal and customary rate and the actual rate levied is not a campaign contribution. 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.

(d) An Independent Candidate may not spend more than $1,300 in the furtherance of their Campaign.

(1) Independent candidates may not pool together money in furtherance of their campaigns. Tickets may not give any campaign contribution to individual candidates and vice versa.

(e) A Ticket may not spend more than $1,300 in the furtherance of their campaign.

(1) Tickets may not pool together money in furtherance of their campaigns. Tickets may not give any campaign contributions to each other or to Independent Candidates.

Section 802: Campaign Contribution and Expenditure Report

(a) All Independent Candidates and Tickets must submit a contribution and expenditure report by 5:00p.m. the first Monday after voting ends or in the case of a run-off, the Wednesday after the Monday of the run-off.

(b) 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.

(1) The campaign contributions ledger shall provide the names of all contributors, the amounts contributed or the value, as determined by section 801 (a), of goods or services paid for one the candidate’s behalf, and the total amount of all contributions.

(2) The campaign contributions ledger shall list all expenditures made, the vendor from which the items were purchased, and the amount of the expenditure. 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 in accordance with section 801 (a).

i. A receipt will be submitted verifying the value of each expenditure. If a receipt is unavailable the candidate must submit a signed declaration indicating the cost of the item, a description of the item, the date and location of purchase.

(3) 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 pursuant to section 801 (a). The declaration must be constructed in the same form as an expenditure report save for expense listings, and is due at the same time and date as the expenditure reports. 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.”

Chapter 9- Tabling and Polling

Section 901: Use of Tables and Polling

(a) Polling: The solicitation of an eligible voter to cast their vote while at the same time providing the physical means to vote.

(b) Neutral CU Student Government Polling Place: A place for polling set up under the auspices of the Election Commission for the purposes of Polling students in a neutral way (not affiliated or run by any candidate, Ticket, or Movement).

(c) Movement: Anyone or any organization that is not a candidate or Ticket advocating for the approval or defeat of a ballot measure.

(d) Tabling: The use of a table to promote an Independent Candidate, a Ticket, or a movement.

(1) The number of tables permitted during an election will be determined by the Election Commissioner and the campaign managers of the Tickets and Independent Candidates two weeks prior to the start of the election. The number of tables will be equal amongst all Tickets and Independent Candidates. In the event that consensus is not reached on the number of tables permissible, the Election Commissioner maintains the ultimate authority to determine a final number of tables permissible.

i. The Election Commissioner shall also provide an equal opportunity for Movements to table during the election, in order to equally represent both sides. Anyone advocating for a Movement’s cause found in violation of any regulations set by the Election Commissioner, this Code, or CUUF, will no longer have access to election resources provided by the Election Commissioner (i.e. Tabling) for the remainder of the election.
1. This section shall not be construed to restrict Independent Candidates or Tickets from endorsing or calling for the defeat of a ballot measure.

ii. Candidates/Tickets can have students vote at their table if they abide by CUUF policy, are 100 feet away from the neutral polling stations, and follow all other provisions of the code. Candidates/Tickets must inform the Election Commissioner if students voted at the designated table every day of the election.

(2) The Election Commissioner will have the authority to set a specific list of locations in which tabling is permitted during the election. This list will be released to the candidates and Tickets one week prior to the start of the election.

i. The Election Commissioner shall have the authority to adjust tabling locations and must provide written notice to all candidates. Any changes apply to all candidates and Tickets.

ii. Tables cannot be moved without written permission from the Election Commissioner.

(3) The Election Commissioner will have the authority to set permissible hours for tabling in each location, and will release the hours of permissible tabling for each location one week prior to the start of an election.

(4) Tabling must be in compliance with the Campus Use of University Facilities (CUUF) Policies.

i. Tabling during other times of the campaign, outside of the election, shall be permitted at any time so long as candidates, Tickets, or movements are in compliance with CUUF.

(5) Polling at a non-neutral table is permitted only during the time the Election Commissioner has permitted tables to be set up.

Section 902: CU Student Government Tables and Polling

(a) The Election Commission has the authority to set up any number of Neutral CU Student Government Polling Places.

(1) No candidate, Ticket, or Movement may be campaigning or loitering within 100 feet of a Neutral CU Student Government Polling Places.

(2) These locations will be announced two weeks prior to the election.

(3) Only persons designated by the Election Commission may operate polling places set up by the Election Commission.

Chapter 10 - Conclusion of Election and Infraction Tribunal

Section 1001: Definitions

(a) Complainant: Any person, or group of persons, that files a complaint report of a suspected election infraction with the Election Commissioner.

(b) Respondent: The candidate(s) or Ticket(s) named in a filed complaint.

(c) Infraction: A violation of a regulation provided by this Code.

(d) Infraction Tribunal: A hearing presided over by the Election Commission for the purposes of determining the responsibility of candidates and/or Tickets for suspected infractions.

(e) Agent(s): Person(s) acting at the direction or on behalf of a candidate or Ticket.
Section 1002: Preliminary Election Results

(a) After the polls close, the Election Commissioner will end voting and tabulate the preliminary election results. The preliminary election results will be posted on the CU Student Government office door and on the CU Student Government website as soon as they are available.

Section 1003: Publication of Campaign Finance Reports

(a) The Election Commissioner will retain the original campaign contribution and expenditure report and prepare copies that will be made available to the public 24 hours following the certification of the election.

Section 1004: Filing Infraction Complaints

(a) Complaints for alleged infractions committed by candidates and/or Tickets during the campaign, outlined in Chapter 7, must be reported to the Election Commission within 48 hours of first knowledge of the infraction. If the initial report of the infraction is not submitted within these 48 hours, the infraction complaint will not be heard in the Tribunal.

(1) No additional filing of new infraction complaints will be permitted after 48 hours after the end of the election. Filings of complaints regarding infractions of campaign finance and expenditures are exempt from this deadline.

(2) Any person eligible to vote in the election may file a complaint against a candidate or Ticket for a suspected election infraction. The Election Commission reserves the authority to file election complaints themselves, provided sufficient evidence is existent.

   i. The Election Commissioner 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.

(3) The Election Commissioner must file all complaints related to Campaign Finance and Expenditures.

(4) 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.

(5) 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. Evidence that is anonymous, include statements from witnesses that are redacted for anonymity will be entitled to lesser weight in the discretion of the Infractions Tribunal. The parties shall have the right to cross examine witnesses as allowed by the Infractions Tribunal. Generally, the Infraction Tribunal is not subject to State or Federal rules of evidence, but may draw upon these sources for guidance. The Infractions Tribunal otherwise has discretion to determine the weight and admissibility of evidence.

(6) Evidence must be submitted on a rolling basis to the Election Commission as it is discovered. New evidence will be admitted at the discretion of the Election Commission based on its judgment as to whether or not the evidence was submitted in a timely manner.
(7) If a complaint is filed that alleges an abuse of CU Student Government resources (Section 702(b)5) and would be able to be investigated by an Election Commission Order as outlined in Section 1502 and 204(g), then the complainant may request information limited to the 48 hours that the alleged infraction occurred
   i. Upon receipt of said complaint the Election Commissioner may issue, at their discretion, an Order related to Infractions and retrieve only a limited view of the files in question. This limited view will then be examined by the Election Commissioner and only if evidence related to an infraction is found, will said limited view be offered to the complainants unedited.
   ii. The Election Commissioner may decline to issue an Order related to Infractions based on their judgment and understanding of complaints, perspective on the wider election and the amount and validity of previous requests.

(8) The respondent will be notified by the Election Commission when a complaint of a suspected infraction is filed against them or when a limited view is requested in accordance with Section 1004(a)7. All reported infractions and evidence, as they are discovered, must be served to the respondent by the Election Commissioner as soon as feasibly possible. The respondent shall be made aware of what infraction they are suspected of committing.

(b) Any supplementary evidence or witnesses to infractions filed during the campaign must be submitted to the Election Commission 48 hours before the start of the Infraction Tribunal.
   (1) At this point, the respondent shall be notified by the Election Commission of the complainant, the names of the witnesses to the suspected infraction, and shall be entitled to review any and all evidence not already made available to them.
   (2) New evidence will be admitted at the discretion of the Election Commission based on its judgment as to whether or not the evidence was submitted in a timely manner.

Section 1005: Infraction Tribunal

(a) The Infraction Tribunal shall be held after the close of business on the Wednesday following the end of the election, or morning of the Saturday after the Monday of a run-off election.
   (1) The complainant(s) shall have the opportunity to present their case by calling witnesses and introducing evidence. The respondent(s) shall have an opportunity to cross-examine all complainant witnesses.
   (2) The respondent(s) shall have the opportunity to present a defense by calling witnesses and introducing evidence. The complainant(s) shall have an opportunity to cross-examine all respondent witnesses.
   (3) 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 complainant(s).
   (4) 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 during any phase of the conduct process, including any hearings.
Whenever there is an infraction complaint regarding campaign finance and expenditures, or filed by the Election Commissioner, or a member of the Election Commission, the Election Commissioner shall recuse themselves from the Tribunal and act as the complainant for the particular complaint.

Whenever there are infraction complaints filed by a voter who was not a candidate or affiliated with a candidate, the voter may request that the Election Commissioner assist them in their role as complainant. The Election Commissioner shall recuse themselves from the Tribunal for that particular complaint.

Minutes shall be taken during the Infraction Tribunal and made publically available after the Tribunal has released their opinions, unless prohibited by applicable law. The CU Student Government Office Manager will assign a neutral party to take the official minutes.

The Election Commission must release their opinions and rulings no more than 96 hours after the end of the Infraction Tribunal. The opinion shall be written, and contain all findings of fact, conclusions of law, and assessment, if any, of infractions. Pursuant to Section 1006 of this Code, and candidate/ticket, or group of candidates found responsible for a total of ten (10) or more infraction points shall be disqualified and their votes invalidated. If no complaints are heard or any complaints of suspected infractions filed, the Election Commissioner shall certify the results of the election.

Once the Election Commission has issued its Infraction Tribunal opinion, any complainant or respondent, or both, may appeal the Tribunal’s decision to the Appellate Court. The parties to the appeal shall remain the complainant(s) and respondent(s).

Section 1006: Infraction Points and Disqualification

(a) The finding of responsibility of one (1) Class A infraction shall result in disqualification of the candidate/ticket, or group of candidates.

   (1) Accumulating ten (10) infraction points via a combination of infractions shall result in disqualification as well.

(b) The finding of responsibility of 1 Class B infraction shall result in five (5) infraction points being incurred upon the candidate/ticket, or group of candidates.

(c) The finding of responsibility of 1 Class C infraction shall result in two (2) infraction points being incurred upon the candidate/ticket, or group of candidates.

(d) A simple majority of the Election Commission is required for a Ticket, candidate, or group of candidates to be found responsible of an infraction, and for the Commission to make findings of fact and conclusions of law.

(e) Disqualification shall result in the invalidation of all votes cast for the individuals or group found responsible. Invalidation shall be treated as though the votes cast for those responsible were never cast at all.

Section 1007: Burden of Proof and Individual and Joint Responsibility

(a) The burden of proof that must be reached in order 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.

(b) The preponderance of evidence standard is satisfied if the information gathered demonstrates that it is more likely than not that the alleged infractions occurred.

(c) Infraction points may, unless otherwise specified, apply to all members of a Ticket, or a
subordinate group of candidates thereof if

(1) A candidate or a volunteer, or other agent, responsible for the infractions acted in the promotion of the whole Ticket, and not just him or herself, or

(2) If there was any coordination of the infraction amongst any members or volunteers, or other agents of the candidates/ticket.

(3) The Infraction Tribunal has the authority and duty to determine the total and final responsibility of a Ticket or that of an individual candidate (an Independent, or one that is part of a Ticket) or group of candidates.
   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.

(d) Independent Candidates are responsible for their own actions and those of their volunteers or other agents. Infraction points shall apply to Independent Candidates for the violations committed by their volunteers, as they do for Tickets.

(e) Tickets, Independent Candidates, and groups of candidates, are responsible for the actions and behavior of their witnesses and other agents during the Infraction Tribunal or Appellate Court hearings, and infraction points shall apply accordingly to an entire Ticket/candidate or group of candidates, if a witness or agent is found to be in contempt, commits perjury, or for conduct that violates provisions of Chapter 7 regarding impeding or obstructing judicial processes or proceedings.

Section 1008: Appeals Process

(a) A party (the complainant(s) or respondent(s)) must appeal the decision of the Infraction Tribunal by 5 pm within three (3) calendar days of the issuance of the Tribunal's opinion. The appeal shall be filed by submitting a petition, in accordance with the Rules of the Appellate Court, to every member of the Appellate Court. Copies of the appeal shall be served upon the CU Student Government Office Manager and the opposing party or parties. If no appeal is filed by this deadline, the Election Commissioner shall certify the election results as they have been adjusted pursuant to 1006(5) of this Code.

(b) Any Appeals to rulings made by the Election Commission must be submitted to the Appellate Court within five (5) days of the release of the opinions of the Infraction Tribunal.

(c) If no appeals are filed, the Election Commissioner shall certify the results of the election, pursuant to the findings of the Tribunal.

(d) Once an appeal has been filed, the Election Commissioner shall not certify the election results until the Appellate Court issues a final opinion, notifies the parties the Court is not taking the appeal, or 14 calendar-days elapse from the issuance of the Election Commission's Infraction Tribunal opinion. After 14 calendar-days, the Appellate Court's jurisdiction over the Infraction Tribunal is waived, and the election results, as adjusted pursuant to 1006(5) shall be certified. The Appellate Court shall have no jurisdiction to enter any judgment or Temporary Restraining Order that would prohibit the Election Commissioner from certifying the results of the election in accordance with this subsection.
Section 1009: Applicable Legal Standards for Appellate Review

(a) Conclusions of law: When hearing 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.

(b) Findings of fact: Factual findings underlying the Infraction Tribunal's ruling are entitled to deference and are reviewed for clear error. A finding of fact is clearly 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. If the evidence discloses two permissible readings, there is no clear error.

Section 1010: Appellate Court Opinions

(a) An Appellate Court opinion shall not be binding unless the opinion;
   (1) Is submitted in writing to the CU Student Government Office. bears the signature of a majority of a duly constituted Court, and contains a record of the participating justices and the Court's vote, or
   (2) Is submitted electronically; is sent to the Election Commissioner, the CU Student Government Office Manager, the complainant(s) and respondent(s) involved, and the whole membership of the Court; and contains record of the participating Justices and the Court's vote.

Section 1011: Certification of the Election

(a) If the Election Commissioner did not receive any complaints during the campaign up until 48 hours after the final polls closing, and the Election Commission did not file any complaints, nor did the Election Commissioner file any complaints related to Campaign Finance and Expenditures, the Election Commissioner will officially certify the results.

(b) The Election Commissioner must certify the election as provided in this Code. The Election Commissioner has no authority to extend or otherwise alter the deadlines in this Code unless the Election Commissioner exercised their authority under Section 202 (c) of this Code. If the Election Commissioner fails to certify the election as provided in this Code, the election will be certified automatically by operation of the Election Code.

(c) The election will be certified by replacing the preliminary results with certified final results. The results will indicate that they are the certified final results.

(d) The Election Commissioner will prepare and deliver Certificates of Election to the Legislative Council President, indicating the name and electronic mail address of the elected officers.

(e) The newly elected officers shall be sworn in according to Article III.A.I.iii of the Legislative Council Bylaws.
Chapter 11 - Local School and College Elections

Section 1101: Local Control

(a) School and college elections will occur in a manner provided by the student government of each school and college

Section 1102: Use of CU Student Government Elections

(a) Each school and college may choose to conduct their elections through the CU Student Government online voting process

(b) Each school or college desiring to use the CU Student Government online voting process must enter into a memorandum of understanding with the Election Commissioner. The memorandum of understanding will indicate how a candidate may qualify to appear on the ballot and whether the Election Commissioner will advertise or otherwise promote the local school or college election or candidates. The memorandum of understanding will 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) Each school or college must submit full list of candidate names, positions, and seats available per position by the day of the candidate meeting.

(d) Unless otherwise provided for in the memorandum of understanding the Election Commissioner will only provide each school or college with the election results. The Election Commissioner will not enforce any local school or college election rules. The Election Commissioner shall only hear complaints against local school and college candidates if they were affiliated with or contested a Ticket that was associated with the election of Representatives or Executives.

Chapter 12- CU Student Government Proper and Cost Centers

Section 1201 - Use of Resources

(a) No CU Student Government Cost Center may endorse, campaign for, or campaign against: any candidate; any write-in candidate; or any Constitutional Amendment, Referenda, or Initiative,

(1) 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.

(b) No CU Student Government Cost Center may contribute any money, goods or services to any candidate or write-in candidate, for the purpose of supporting the election of that candidate, or to any group advocating for the passage or defeat of a Constitutional Amendment, Referenda, or Initiative.

(c) No employee of any CU Student Government Cost Center may use their title or status as an employee to endorse, campaign for, or campaign against: any candidate; any write-in candidate; or any Constitutional Amendment, Referenda, or Initiative.

(1) Subsection (c) of this section does not apply to members of Legislative Council or to Executives

(2) Subsection (c) of this section does apply to all members of CU Student Government Joint Boards, Advisory Boards, Commissions, Committees, and the Appellate Court.
Section 1202: Enforcement

(a) Each cost center and joint or advisory board must incorporate the provisions of this chapter into their policy or employment manuals.

Chapter 13 – Student Fees

Section 1301: Use of Student Fees

(a) No group, organization, or entity 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.

(b) Any group, organization, or entity 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.

(1) 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.

(2) Monies used to advocate for or against any candidate, ticket or movement

(c) 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:

(1) used to advocate for the election or defeat of a candidate;

(2) the passage or defeat of a constitutional amendment, initiative, or referenda;

(3) to be contributed to a candidate.

(d) Nothing in Section 1301 (c) should 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 as prohibited by Section 1301 (c).

(e) 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.

(f) 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.

(1) In making said rules, groups, organizations or entities should consider activities they find disruptive to their events and contact the Election Commissioner if they require guidance or assistance in setting fair rules.
Chapter 14 -Non-Discrimination Statement

Section 1401: Right to Vote

(a) 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.

(b) The Election Code and all activities contemplated herein are subject to the CU Boulder Discrimination and Harassment Policy and Procedures.

Section 1402: Right to Run

(a) The right of a student to be a candidate for CUSG office 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.

Chapter 15- Orders of the Election Commission

Section 1501: Orders related to Campaign Activity

(a) As stated in 204(g) of this code, the Election Commissioner may make orders of individual candidates, tickets or movements in pursuit of their duties outlined in this code

(b) Campaign Activity Orders must therefore be clearly stated as such in all communication between the Election Commissioner and the responsible campaign parties

Section 1502: Orders related to Investigating Infractions

(a) As stated in 204(g) of this code, the Election Commissioner may make orders of individual candidates, tickets or movements in pursuit of their duties outlined in this code and specifically of their obligations in leading the Infraction Tribunal.

(b) 204(g) of this code also constitutes as an agreement between all election parties and the Election Commissioner that the latter party may make Orders related to Investigating Infractions only as they are explicitly stated in this code

(c) Complainants cannot issue these orders and in pursuit of their individual investigations, they may only request information through the processes outlined in Chapter 10 of this code.