



## ELECTION CODE OF THE UNDERGRADUATE ASSOCIATION Last updated: 9.6.05

### 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, Undergraduate Association Senators, and any other positions for which the Undergraduate Association Senate 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 1. Membership*

- A. The Election Commission shall consist of eight voting members of the Undergraduate Association. They shall be appointed by the UA President, and approved by the UA Senate. The term of membership on the Election Commission shall be one year, beginning on the last Senate meeting of the spring term and ending the last Senate meeting of the spring term of the following year. The Speaker shall formally install the Commission members at the last Senate meeting of the spring term.
- B. The UA President, with the approval of the UA Senate, shall appoint one Election Commission Chair and three Campaign Rules Board members from among the eight people selected for the Commission. The Election Commission Chair will also be Chair of the Campaign Rules Board.
- C. The remaining four Commission members will be responsible for the following positions—Technical Coordinator, Event Coordinator, Publicity Coordinator, and Petition Coordinator.
- D. In the case that the Commission Chair cannot serve his or her full term, the UA President shall appoint an Acting Election Commission Chair, with approval of the UA Senate. If the UA President deems installation of either position immediately necessary, the UA Executive Board shall approve the Acting Commission Chair until the next UA Senate meeting.
- E. The Judicial Board reserves the right to approve, decline or modify the final list of commission members, as submitted by the President.
- F. No person intending to run for office in UA elections may sit on the Commission. The UA President, with the approval of the UA Senate, shall immediately replace any member who obtains a petition for office.

#### *Section 2. Responsibilities and Powers*

- A. The Commission shall be responsible for the execution and primary interpretation of the Code and preserving the integrity of the election.
- B. 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 Senate, or this Code.
- C. The Election Commissioner, at his or her discretion, may close meetings to all, save voting members of the Election Commission and members of the Judicial Board.
- D. The role of the Election Commissioner shall be to set the schedule for the elections and to oversee the Election Commission.
- E. The sole responsibility of the Campaign Rules Board is to interpret the campaign rules for the election, hear official complaints, and to impose sanctions as necessary. The board may not act on violations in the absence of an official complaint. The Chair of the board shall oversee the board.
- F. The Technical Coordinator, Event Coordinator, Publicity Coordinator, and Petition Coordinator are responsible for the electronic voting system, the debates and study breaks, publicity for the elections, and compiling the candidate petitions materials, respectively.
- G. The Commission shall be responsible for letting living groups know they are in charge of campaigning restrictions within their living space. Governing bodies can request a Rules Board investigation.
- H. The Commission shall be responsible for providing a list of substantiated complaints filed against official candidates shall be available both on the Election Commission's web site and at the paper balloting booth.



## ARTICLE III. CANDIDATE QUALIFICATIONS

### *Section 1. Types of Candidates*

- A. Candidate is defined as someone that makes his/her/its intent to run for office known.
- B. Official Candidate is defined as any candidate who has been or intends to be validated.
- C. A blank shall be supplied on all ballots for write-in candidates. A write-in candidate may not be declared the winner of a race until he or she demonstrates that he or she is a registered undergraduate, signs the Statement of Candidacy, and satisfies any additional requirements set by the Commission.

### *Section 2. Petitions for Official Candidates*

- A. Candidate Petition Materials shall include:
  1. A copy of this Election Code
  2. The Campaign Rules Document
  3. A schedule of election events and deadlines
  4. The following statement of candidacy:

If elected to the office of \_\_\_\_\_ of the Undergraduate Association, I \_\_\_\_\_ hereby promise to fulfill all responsibilities of my offices enumerated in the Undergraduate Association Constitution, UA Senate Bylaws, Uniform Class Constitution, other bylaws of the Undergraduate Association, and the Undergraduate Association Election Code. I fully understand that failure to do so will result in my removal from office by the Undergraduate Association Senate.

I also agree to follow all campaign rules and procedures as laid out in the Campaign Rules Document, Election Code, and candidate packet. I understand that failure to do so may result in sanctions ranging from an official warning to disqualification.

5. An official signature petition as outlined in Article IV. The Election Commission shall set the precise number of signatures within these guidelines.
  6. A budget form.
- B. No individual may submit a petition for more than one office of any given type during the same election. Types of offices include Class Council, UA Senate, and UAP/VP.
  - C. If a candidate changes his or her running mate after beginning to gather petition signatures, the Election Commission shall decide how many new signatures should be gathered on a case-by-case basis.
  - D. Candidates shall not be declared valid unless the candidate demonstrates that he or she is a registered undergraduate, by obtaining a proof of registration from the Student Services Center (11-120), by add date, signs the Statement of Candidacy, submits the official signature petition, and satisfies any additional requirements set by the Commission. The Commission shall announce the names of all validated candidates for offices as soon as they are validated.
  - E. If a winning candidate can not obtain proof of registration by add date they will be automatically removed from office.

### *Section 3. Candidate Platforms*

- A. All official candidates shall be required to submit a platform.
- B. A candidate's platform will describe his or her goals for office.
- C. If a platform contains unreasonable attacks against individuals or groups, the Election Commission will be granted the right to remove those attacks from the platform.
- D. The Election Commission can require candidates to submit forms 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 not post the platform.
- E. Additionally, platforms and photographs must follow the MITnet's Rules of Use.
- F. No platforms, photographs or election results will be removed from the website after elections and will remain online indefinitely. Future requests for removal will be ignored.

### *Section 4. Late Petition Policy*



All candidates submitting petitions which are approved by the Election Commission shall be included on the ballot and in all election activities unless, as a consequence of the date on which the petition was submitted, such inclusion would place an undue burden on the Election Commission or would be unfair to timely candidates. As such:

- A. The Election Commission shall establish a regular petition deadline before which all candidates will be guaranteed inclusion in all election events and on the ballot. The Election Commission shall also establish a late petition deadline.
- B. Official candidates who cannot make the regular petition deadline must submit an explanation to the Commission by the deadline. Candidates whose requests are approved by the Election Commission will have until the late petition deadline to turn in their petition for inclusion on the ballot.
- C. If a candidate's petition materials (submitted by the regular petition deadline) cannot be approved because they are found to be incomplete, the Election Commission shall give that candidate up to five days to correct the error provided that doing so is fair to all parties involved and doesn't put an undue burden on the Commission. Any candidate whose late petition is found to be incomplete will be referred to the Commission for consideration of further petition materials on a case-by-case basis, if and only if such consideration is fair to all parties involved and does not place an undue burden on the Commission.
- D. The lone exception to this policy will be for positions for which no candidate has submitted a petition by the regular deadline. Petitions for these offices will be both distributed and accepted until the late petition deadline. If no petition has been filed for the office by the late deadline, the deadline for that office may be extended by a few more days.

#### ARTICLE IV. TIMETABLES AND OFFICES

##### *Section 1. Timetable Modifications*

- A. In the event of unavoidable or unforeseen circumstances, the Election Commission shall bring forth to the UA Senate a modified election timeline as needed. Need is represented to be within reason. If Senate can not convene before the beginning of the election timetable, or a reasonable time for it to be processed, then the timetable will go before the UA Executive Committee.
- B. Possible reasons for timetable modification includes, but is not limited to:
  - a. Abnormal academic calendar
  - b. Holiday interference

##### *Section 2. Fall Elections Calendar*

- A. Fall Elections shall be announced to the incoming freshman class during the summer via the ASA Student Activities Mailing. Fall elections shall be announced to non-graduating upperclassmen prior to the end of spring term.
  1. All fraternities, sororities, and independent living groups (hereafter referred to as FSILGs) shall furnish a list of eligible, registered students by the day after the end of the fall "rush" period or the end of the second week of the fall term, whichever comes first; the UA Elections Commission shall distribute registration forms to all FSILGs by the following day; and all registration forms shall be due to the UA Elections Commission one week later; and
  2. Elections for UA Senate shall take place in the fall term, during the week following the registration deadline.
- B. Petitions shall be made available for at least four days before they are due.
- C. Fall elections shall be held no less than one week after petitions are available.
- D. Newly elected officers shall be installed at the first UA Senate meeting of the fall term.

##### *Section 3. Spring Elections Calendar*

- A. Annual elections for the spring term shall be announced before the last regular meeting of the UA Senate of the fall term.
- B. Petitions shall be made available at least for two weeks before they are due.
- C. Spring elections shall be held no less than four weeks after petitions are available and no later than the eighth Monday of the term.



- D. Newly elected officers shall be installed at the last UA Senate meeting of the spring term.

*Section 4. UA President and Vice President Elections*

- A. The UA President and UA Vice President (UAP/VP) shall be elected during spring elections.
- B. The official signature petition for UAP/VP shall require the signatures of between ten and fifteen 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.
- C. A joint UAP/VP debate shall be held during spring elections.
- D. The newly elected UAP/VP shall be required to take the following oath of office:

I, \_\_\_\_\_, do solemnly affirm 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, will result in my immediate removal from office by the Undergraduate Association Senate.

*Section 5. UA Senate Representative Elections*

- A. UA Senate Representatives shall be elected during fall elections.
- B. The official signature petition for senators shall consist of the candidate's statement of intention to run and the name of the constituency.
- C. If no winner can be determined for a senate seat due to a lack of eligible candidates, that seat shall be declared vacant and filled in a manner consistent with UA Senate Bylaws.
- D. A residence hall, fraternity, sorority, or independent living group may present additional criteria for candidates. Such criteria shall be approved by a two-thirds vote of Senate by the last Senate meeting of the spring term.

*Section 6. Class Council Officer Elections*

- A. 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.
- B. 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, and will be marked to indicate such. Violation of this stricture on signature collection will be considered a minor infraction by the election commission.
- C. The newly elected Class Officers shall be required to take the following oath of office:

I, \_\_\_\_\_, do solemnly affirm 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 will result in my immediate removal from office by the Undergraduate Association Senate.

*Section 7. Other Elections and Offices*

- A. Runoff elections shall be held one week following the regular elections.
- B. Special elections shall be announced at least ten academic days in advance of the first day of the elections.
- C. Petitions for special elections shall be made available at least ten days prior to the elections.
- D. The nature of the signature petition and election calendar for all other offices for which the UA Senate mandates a campus-wide election shall be legislated by the Senate. In the absence of specific legislation, the Commission shall determine the nature of these items.

ARTICLE V. PROCEDURES FOR ELECTIONS

*Section 1. Registration*

- A. Non-FSILG affiliated dorm residents shall be automatically registered to vote for the dorm constituency in which they reside; and



- B. FSILG affiliated students who reside in dormitories and who meet the following criteria are eligible to choose to register for their FSILG constituency or dorm constituency in the fall election cycle:
  - 1. Freshmen who pledge an FSILG
  - 2. Students who pledge an FSILG as upperclassmen
  - 3. Upperclassman active FSILG members who do not reside in their FSILG; and
- C. All affiliated, eligible upperclassmen shall have to re-register for each fall election cycle; and
- D. All students who are eligible to register to vote in fall elections shall be randomly assigned such that exactly half of them are defaulted to be registered to vote for the FSILG constituency, and half of them are defaulted to be registered to vote for the dormitory constituency; and
- E. Students who have been randomly assigned are free to change their affiliation at any time, except during a current election cycle, via an online registration form or via a paper form. However, students will not be allowed to change their designation on the date of registration:
  - 1. In the event that an eligible, registered student submits both the web-based registration form and the paper registration form, the student's web-based preference shall be accorded primacy; and
- F. A registration form will be distributed via e-mail by the UA Elections Commission to FSILG and dormitory presidents at a date specific by the Fall Elections calendar (please reference Article IV, Section 1 of the UA Elections Code). It shall be their responsibility to make these registration forms available to all eligible, registered students, and to collect and return them to the UA Elections Commission at a date of its choosing; and
- G. In completing the web-based registration form or paper registration form, FSILG members must be free from influence, coercion, or hazing by any and all members associated with an undergraduate residence hall or FSILG. Any member who is found to be in violation of this clause will be held accountable subject to MIT Policies and Procedures, and to the Commonwealth of Massachusetts' General Laws 269, Sections 17, 18, and 19.

### *Section 2. Meetings*

- A. 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 accompanied by a reminder to "read everything carefully, paying special attention to campaign rules."
- B. 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 the candidates. Other Class Council positions may be required to have debates at the discretion of the Election Commission.
- C. The winners of the election must attend a meeting no more than a week after results are announced for a brief orientation concerning current projects and issues facing the Undergraduate Association.

### *Section 3. Campaigning*

- A. Campaigning is defined as publicly promoting one's candidacy. This includes but is not limited to postering, email, chalking, speeches, and campaign websites. Additional campaigning activities will be at the discretion of the Campaign Rules Board. The gathering of petition signatures shall be excluded from this definition.
- B. The Commission shall limit the value of campaign materials to between 1% and 2% of the annual regular undergraduate tuition level. Before being installed in office, all winners shall submit a statement of campaign finances to the Commission- even if no expenses were acquired.
- C. Campaign rules, possible violations, and guidelines for sanctions shall be defined in the Campaign Rules Document. All candidates (official and write-in) and campaign helpers must follow the rules laid out in the document. 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 material.
- D. The Commission shall update the Campaign Rules Document each term before petitions are available. Any revisions shall be approved by a majority of Senate.

### *Section 4. Campaign Violations*



- A. Under the powers outlined in Article II, Section 2E, the Campaign Rules Board shall be responsible for the interpretation of the Campaign Rules Document.
- B. Complaints shall be directed to the Campaign Rules Board. The Campaign Rules Board 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.
- C. The Campaign Rules Board shall conduct an investigation to determine the merit of the complaint and impose any necessary sanctions. This shall be completed in a timely manner.
- D. An official statement of any Campaign Rules Board decisions shall be sent within a day of the decision.
- E. Appeals of the Campaign Rules Board decision must be lodged to the Judicial Board within three school days of the decision.

#### *Section 5. Elections*

- A. The Commission shall set the locations and hours of operation of the polling places. However, paper polling places shall open no later than 9am and close no earlier than 5pm.
- B. Electronic voting cannot take place during paper balloting. If electronic voting occurs during paper balloting, the elections results are invalid.
- C. 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 on the last day of the election.
- D. The Election Commission may require official candidates to supply workers to man the polls and to advertise for the general election to raise awareness of the MIT community to vote in the election as specified, within reason, by the Election Commission. Workers supplied by candidates may not campaign on behalf of candidates during work shift. Severe sanctions, to be determined upon review by the Election Commission, will be imposed on candidates who violate this rule.

#### *Section 6. Balloting*

- A. Voting shall be done in a preferential manner and the winner determined according to the following procedure:
  1. Ballots shall be sorted by first choice.
  2. The ballots of the candidate receiving the fewest votes shall be resorted according to the next preference specified on the ballot. If there is a tie for the candidate receiving the fewest votes, both candidates' ballots shall be resorted.
  3. 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.
  4. If at any time an eligible candidate receives more than 50% of the votes cast in that round, he or she shall be declared the winner.
  5. 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.
  6. In case of a tie, a runoff election will be held between the eligible candidates who tied with the highest number of votes.
- B. The Commission shall be responsible for counting the votes cast and shall announce the winners of all races in a timely manner.
- C. 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.
- D. Should a write-in candidate receive the most votes, yet be determined ineligible to win the race, the first valid candidate with the most votes shall be declared the winner. In case of a tie among valid candidates in this situation, the procedure that is outlined in Article V, Section 6A.6 shall apply.

### ARTICLE VI. ADVISORY QUESTIONS AND REFERENDA

#### *Section 1. Advisory Questions*



- A. Non-binding advisory questions may be placed on the regular election ballot by a one-third vote of the UA Senate or by a petition to the Election Commission by 5% of the members of the Undergraduate Association.
- B. The deadline for such action shall be the same as the deadline for candidates' petitions.

*Section 2. Binding Referenda*

- A. Binding referenda may be introduced onto the ballot by a three-fifths vote of the UA Senate or by a petition to the Election Commission by 20% of the members of the Undergraduate Association.
- B. 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

Amendments to these bylaws may be made by a three-fourths vote of the UA Senate. Changes by referendum shall also require a three-quarters majority and shall not take place during the term specified.