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SB87-16/17: Resolution Regarding Elections Bylaws

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Whereas, the Associated Students of the University of Montana (ASUM) seeks to maintain the
fairness and competitiveness of its election process;

Whereas, it is not common for the ASUM Elections Committee to make sweeping changes to
address bylaw issues following its tenure;

Whereas, the 2017 Elections Committee, operating in a year with a new voting system,
encountered a variety of questions and issues that necessitate several updates in the bylaws;

Whereas, Elections Committee always seeks to approach all issues and processes with the utmost
neutrality and fairness;

Therefore, Let It Be Resolved, that Article IV, Section 6 of the ASUM Bylaws be amended to
read:

“C. No member of the Elections Committee shall be seeking an elected position with
ASUM. No member of the Elections Committee may be an actively serving member of any
organization or student group that has put forth a referenda item on the ballot as determined by
a majority vote of the ASUM Senate.”

Therefore, Let It Be Further Resolved, that Article V, Section 2 of the ASUM Bylaws be
amended to read:

A. “Members may seek office within these guidelines:
1. Any member as defined in Article 1, Section 2 of the Constitution is eligible to run for
any office.
2. The names of all candidates shall be published in the Montana Kaimin immediately
after registration. The names of the winners of a primary election, if one is held, shall
be published immediately following the election. Notices of special elections shall be
conspicuously published in the Montana Kaimin at least four times before the
elections, including two issues, as defined in Section 1, immediately preceding the
elections, special elections, and referenda.”

Therefore, Let It Be Further Resolved, that Article V, Section 3, Letter F of the ASUM Bylaws
be amended to read:

“3. University Center: Must be approved by the University Center Administration.
Banners will be allowed only inside the University Center and must be approved by The Source
prior to being hung in the UC Atrium and must be compliant with UC policy. **Passing out flyers** or laying flyers on surfaces, such as tables and chairs, is prohibited. Posters must be placed according to the following guidelines:

1. only on interior windows that have been designated and clearly marked for posterling;
   1. each Senate candidate will be assigned at least one (1) and no more than two (2) half-pane window areas in the UC, assigned by random lottery, and subject to placement by the UC Administration and the ASUM Elections Committee. **Upon attendance of the first window lottery occurring at 11:45 PM on the night prior to the start of campaigning, each Senate Candidate, Executive Candidate Team, and Referenda Item will be assigned at least one (1) and no more than two (2) half-pane window areas in the UC:**
   2. each Executive candidate and team will be assigned at least one (1) and no more than two (2) full-pane window areas in the UC, assigned by random lottery, and subject to placement by the UC Administration and the ASUM Elections Committee. **Any panes that remain unassigned after the first window lottery shall be distributed on the days following at the discretion of the Elections Committee:**
   3. any remaining panes will be considered common, public posterling areas and will not be exclusive to one (1) candidate. **All window postings shall be subject to an assessment by the Elections Committee prior to the second window lottery. Panes that have not been used by candidate(s) to display campaign material that identifies their name(s) on the following Friday at 5:00 PM shall be considered forfeited. Such panes shall be reassigned at the second window lottery.**
   4. **The second window lottery will take place at 5:30PM on the Friday following the first window lottery:**
   5. **Any panes that remain unassigned after the second window lottery shall be distributed on the days following at the discretion of the Elections Committee.**

Therefore, Let It Be Further Resolved, that Article V, Section 8 of the ASUM Bylaws be accordingly amended to read:

“A. Deadlines and dates shall follow the below schedule, which the Elections Committee may alter as necessary:

B. Registration Forms Available: Monday, 6 weeks prior to the General Election
C. Informational Meeting: 5 weeks prior to General Election
D. First UC Window Lottery: Sunday night prior to the beginning of campaigning, 3 weeks prior to General Election
E. Campaigning Begins: Monday, 3 weeks prior to General Election
F. Second UC Window Lottery, Friday following the beginning of campaigning, 2.5 weeks prior to General Election
G. Finalization of Ballots: Thursday, the week prior to the General Election

H. Campaign Expense Reports Due: Monday, 1.5 weeks prior to General Election

I. Senate or Executive Candidate Forums/Debates: At least 1 week prior to General Election

J. General Election: Wednesday-Thursday, 2 weeks prior to the week of final exams”

Therefore, Let It Be Further Resolved, that Article V, Section 3, Letter F of the ASUM Bylaws be amended to read:

“6. Candidates are not allowed to pass out flyers inside general buildings. Candidates are allowed to place small campaign items, i.e. flyers and business cards, on surfaces such as tables inside general buildings unless these practices explicitly conflict with building policies.”

Therefore, Let It Be Further Resolved, that Article V, Section 3, Letter G of the ASUM Bylaws be amended to read:

7. “Office space and office supplies including, but not limited to, scissors, markers, pens, pencils, staplers, staples, and tape do not need to be documented for promotion of candidates or ballot referenda. Items not listed above are at the discretion of the Elections Committee, with majority approval of ASUM Senate. Paper products, printing cost, and the like are not covered under this exemption. Any items which were purchased prior to candidacy or items which are created from personal resources, such as printing at home, must still be included in the expense report. The cost of these items will be estimated by the candidate and approved by the Elections Committee. Items that do not fall into the above categories are at the discretion of the Elections Committee. All campaign materials must be accounted for on the expenditure form, including but not limited to: posting and publishing materials, advertisements, holding charity events such as concerts, rallies or other social gatherings, distributing literature. Candidates are not required to expense the creation of intangible creative work, such as films or graphic designs, unless the purveyor of the service charges the candidate(s) for the service. In that case, the service must be expensed for the amount paid. Candidates are not allowed to use discounts for products or services that are not available to all other candidates.”

Therefore, Let It Be Further Resolved, that Article V, Section 3, Letter G of the ASUM Bylaws be amended to read:

“9. Any exceptions made to income and expense reports can only be granted by a majority vote of the Elections Committee. All expense report exceptions must be granted in a specific dollar amount, as identified by the candidate(s), exceeding the initial amount allotted for their office of candidacy (i.e. if a candidate’s posters are taken down by an opponent, the candidate(s) must identify the cost of the posters taken down or effectively lost and appeal that the Elections Committee allow for this amount to be added to their expense report total). Expense report exceptions shall not be made in instances where candidate(s) violate existing Elections Committee bylaws or University policies.”
Therefore, Let It Be Further Resolved, that Article V, Section 3, Letter P of the ASUM Bylaws be amended to read:

“P. An individual may not campaign on election day within 20 feet of a polling station. Candidates may not interfere with voting processes by influencing voters while they have the ballot open. Candidates may not vote on behalf of another student.”

Therefore, Let It Be Further Resolved, that Article V, Section 5 of the ASUM Bylaws be amended to read:

“C. Any improperly completed ballot, as decided upon by the Elections Committee, shall not be accepted. On any specific ballot item where a voter overvotes (i.e., selects a candidate on the ballot and also writes in their name), all vote(s) cast in the specific ballot item where the overvoting occurred shall not be accepted. The Elections Committee shall identify any vote(s) that is not in compliance with explicit instructions stated for the relevant ballot item. All votes cast in the specific ballot item by a voter who has failed to comply with explicitly stated instructions shall not be accepted. This rule must be clarified in the ballot instructions. If these parameters are not explicitly stated in ballot instructions, vote(s) MAY NOT be invalidated.”

Therefore, Let It Be Further Resolved, that Article V, Section 11 of the ASUM Bylaws be amended to read:

“C. If a referendum cannot be revised without substantially changing the intent of the authors, but nonetheless contains language which violates this policy, the Relations and Affairs Committee shall have the right to remand the referendum to its authors for revision, until the language meets the standard established by this policy.

D. The Elections Committee will choose a title for each referenda item to be displayed on the online ballot without consultation with the organization or student group putting forth the referenda item. This title must accurately represent the intent of the referenda item and be free of persuasive and misleading language. Student groups and organizations putting forth a ballot referendum must be notified of this title by the Friday 12 days before the beginning of the general election. Student groups and organizations have the opportunity to appeal this title in writing by the following Tuesday at 5:00 PM. Elections Committee must review the appeal and issue a recommendation before the following Senate meeting. The Senate must confirm Elections Committee’s recommendation with a 2/3 vote.”

Therefore, Let It Be Further Resolved, that these bylaw changes be effective for the elections of the 2018-2019 ASUM Senate;

Therefore, Let It Be Further Resolved, that the letters of each paragraph in Article V, Section 11 of the ASUM Bylaws be re-lettered accordingly to reflect this change;

Passed by Committee: May 1, 2017

Passed by ASUM Senate: __________, 2017
Connor Fitzpatrick  
Chair of the Relations and Affairs Committee

Elizabeth Engebretson  
Chair of the Senate