

Policy # 04-14

**The University Park Undergraduate Association (UPUA)  
The Pennsylvania State University**

**of the 2019 – 2020 Session**  
January 22<sup>nd</sup>, 2020

*Be it decided by the Assembly, having been considered by the Steering Committee, a*

**Revised UPUA Elections Code 2019-2020**

(Decided: [27/13/0])

1 **Nature of the Situation:**

2  
3 The University Park Undergraduate Association functions as a representative governing body. In  
4 order to exist in this manner, regular democratic elections must be held. The University Park  
5 Undergraduate Association, in order to facilitate a fair, open election needs a comprehensive  
6 Elections Code to guide this process.

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8 **Recommended Course of Action:**

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10 The University Park Undergraduate Association (UPUA) shall make the amendments found in  
11 Appendix A to the UPUA Elections Code.

Respectfully submitted,

**Thomas Sarabok**  
Smeal College of Business  
Speaker of the Assembly

**Jacob Klipstein**  
Chair of Student Life  
At-Large Representative

Speaker \_\_\_\_\_ Committee Vote: [3/0/0]

President \_\_\_\_\_ Affirm Veto

The University Park Undergraduate Association

# **The Elections Code**

**of The University Park Undergraduate Association (UPUA) Assembly of Student  
Representatives**

**Date of Origin: January 2007  
Amended: January 22<sup>nd</sup>, 2020**

## **Article I**

### **Name, Scope, Authority, and Definitions**

§1.1 This Elections Code, henceforward called the Code, shall be the Elections Code of 2020. Its dating shall not misconstrue the perpetual nature of the provisions contained herein.

§1.2 The purpose of this Code is to ensure a proper, fair, efficient, and standard means of election for the members of the University Park Undergraduate Association (UPUA).

§1.3 This Code derives its authority from the UPUA Constitution and Bylaws, and shall be enforced wholly within the provisions of these documents.

§1.4 In all cases where it can be done, the provisions of this Code are entirely severable in intent and meaning and any interpretation, modification, nullification, or removal of a part of this Code shall have no bearing on the Code as a whole or any other part.

## **Article II**

### **The Elections**

§2.1 Elections shall be held on the day prescribed by the Constitution unless the Assembly calls a Special Election. This Code shall have authority over Elections held at any point in time, unless the Assembly renders a decision to the contrary.

§2.2 Regardless of the nature of the Elections, all Offices for which holders are selected outside the sphere of the organization shall be considered open for election. The following offices are considered to be subject to this provision and subsequently the subject of the Elections and governed by this Code:

§2.2.1 The Executive Officers of the UPUA: President and Vice-President

§2.2.2 One (1) Representative from each of the following: the College of Agriculture Sciences, the College of Arts and Architecture, the Smeal College of Business, the College of Communications, the College of Earth and Mineral Sciences, the College of Education, the College of Engineering, the College of Health and Human Development, the College of Information Sciences and

Technology, the College of the Liberal Arts, the Eberly College of Science, the College of Nursing, the Schreyer Honors College, and the Division of Undergraduate Studies.

§2.2.3 Twenty (20) At-Large Representatives

§2.2.4 One (1) Representative from each of the Community Groups that is recognized by the Judicial Board and confirmed by the Assembly.

§2.3 Each Office shall be elected in accordance with the Constitution by all undergraduate degree-seeking students at the Penn State University Park campus. Candidates shall likewise all be undergraduate degree-seeking students at the Penn State University Park campus.

§2.4 Constituencies shall be defined as:

§2.4.1 For the Executive and At-Large Representatives, all degree-seeking undergraduate students at the Penn State University Park campus.

§2.4.2 For the Academic Unit Representatives, all persons in §2.4.1 registered with the Academic College as a member or degree-candidate on the day of the Elections at the Penn State University Park campus.

§2.4.3 For Community Group Representatives, all persons a part of the community group.

### **Article III Elections Commission**

§3.1 The Elections shall be administered by the Judicial Board referred to as the Elections Commission (enacted by the Assembly in this Policy), henceforward called the Commission, as defined by the UPUA Constitution's governing rules for Commissions as described in *Article VI Section 4*. when dealing with election matters during the election period. The Commission shall have the responsibility to fulfill the provisions of this Code; obligations of the Constitution and Bylaws, the will of the Assembly, and the authority to execute the same.

§3.2 The Commission shall be comprised of at least:

§3.2.1 Head Elections Commissioner

§3.2.2 Deputy Commissioner for Candidacy

§3.2.3 Deputy Commissioner for Campaigning

§3.2.4 Deputy Commissioner for Elections Publicity

- §3.2.5 Deputy Commissioner for Information Technology
- §3.2.6 Deputy Commissioner for Events
- §3.2.7 Deputy Commissioner for Finances
- §3.2.8 Deputy Commissioner for Records
- §3.2.9 Deputy Commissioner for Outreach

§3.3 Duties of all Commissioners shall include, but not be limited to:

§3.3.1 Serving office hours Monday through Friday of each week of the campaign period according to a schedule to be determined by the Head Commissioner.

§3.3.2. Working all Elections events.

§3.4 Duties specific to the Head Commissioner shall include, but are not limited to:

§3.4.1 Assign responsibilities to each member of the Commission as are necessary for the efficient and fair conduct of the Elections and Supervise the Deputy Commissioners in the performance of their duties.

§3.4.3 Act as the official representative of the Commission to all interested parties.

§3.4.4 Develop an Elections Budget and submit it to the Speaker of the Assembly to be brought to the Assembly for approval

§3.4.5 Provide a summary report of the Elections to the incoming membership of the Steering Committee no later than ten (10) academic days following the Elections.

§3.4.6 Communicate Elections results to the Executive Secretary of the University Faculty Senate.

§3.4.7 Holding regular Elections Commission meetings on at least a bi-weekly basis, starting in the first week of February, to familiarize the Commission with this code and their responsibilities.

§3.4.8 Appointing additional Elections staff to aid in running elections, as they see fit.

cl. Elections staff could be tasked with operating additional polling places across campus and staffing campaign events.

§3.4.9 Administering a quiz to the Commission, approved by the Steering

Committee, regarding knowledge of the Elections Code and possible violations prior to the start of the registration period.

cl. i All Elections Commissioner's must obtain a 100% on this quiz before the start of the registration period in order to serve as a Commissioner. They may retake the quiz as many times as needed until this score is obtained up until the point that the registration period begins.

§3.4.10 Administer the process for handling violations of this Code by candidates, campaigns, and students pursuant to Article VII if this Code.

§3.5 Duties specific to the Deputy Commissioner for Candidacy shall include, but are not limited to:

§3.5.1 Compile and distribute candidacy materials to students.

cl. i These materials shall include specific information regarding the rules of this Code and the Commission's interpretations.

cl. ii These materials shall include a copy of University Policy related to campaigning

§3.5.2 Collect from all candidates:

cl. i All materials related to candidacy and ballot placement from candidates.

§3.5.3 Ensure the qualifications of all students for the Office for which they are running through an audit of information and petitions.

§3.5.4 Ensure compliance with all rules related to candidacy.

cl. i Filing violations with the Head Commissioner for consideration pursuant to Article VII of this Code.

§3.6 Duties specific to the Deputy Commissioner for Campaigning shall include, but are not limited to:

§3.6.1 Educate all candidates on matters related to campaigning rules, violations and the UPUA Constitution, the UPUA Bylaws and Operational Code, and other governing documents.

§3.6.2 Organize and implement at least eight (8) events, herein considered stamping sessions, at which candidates may receive approval and mark their campaign.

cl. i The length of stamping sessions shall be no less than one (1) hour.

§3.6.3 Ensure compliance with all rules related to campaigning.

cl. i Filing violations with the Head Commissioner for consideration pursuant to Article VII of this Code.

§3.7 Duties specific to the Deputy Commissioner for Elections Publicity shall include, but are not limited to:

§3.7.1 Publicize the time, place and manner of Elections to the undergraduate student body.

cl. . This shall include, but not be limited to, mandatory advertising of the Elections, radio advertisements, passing out flyers in main campus buildings, ballooning of the Mall, and hanging banners in high traffic areas.

§3.7.2 Publicize the available seats within the UPUA and the manner in which one may seek candidacy.

§3.7.3 Actively encourage as many eligible students to seek election as possible (including holding at least four advertised informative recruitment sessions at least five academic days prior to the start of registration on four separate days).

§3.7.4 Organize the observation of University computer labs, Residence Halls, Dining Commons, and classrooms for compliance with this Code by candidates, campaigns, and students. Fulfillment of this duty may include the selection of volunteer poll workers for Election Day who shall be solely authorized to enforce compliance with rules related to these areas.

§3.8 Duties specific to the Deputy Commissioner for Information Technology shall include, but are not limited to:

§3.8.1 Design and implement an online group for use by the candidates which includes all pertinent information regarding candidacy, campaigning, violations, and this Elections Code as well as electronic submission for registration requirements in §4.4.

§3.8.2 Design and implement a website, in accordance with the provisions of this Code, displaying all pertinent Elections information and all forms, documents, and materials necessary for candidacy including:

§3.8.3 Create an online voter's guide with all candidate information to be provided by each campaign.

- cl. Make this guide accessible directly from the online ballot on Election Day.
- cl. ii This ballot shall include the candidates' names, and the position for which they are running.
- cl. ii All registered candidates' web profiles should be posted simultaneously as early as possible, but no later than the beginning of the campaign period

§3.8.4 Ensure the functionality of the website throughout Election Day.

§3.8.5 Coordinate with the Student Affairs IT Department to maintain the Elections systems.

§3.9 Duties specific to the Deputy Commissioner for Events shall include, but are not limited to:

§3.9.1 Organize at least one debate featuring all Executive tickets, the date(s) of which shall be set prior to the start of the Elections cycle.

§3.9.2 Organize at least one required event for students to "Meet the Candidates."

§3.9.3 Ensure compliance with all rules related to events.

§3.9.4 Filing violations with the Head Commissioner for consideration pursuant to Article VII.

§3.10 Duties specific to the Deputy Commissioner for Finances shall include, but are not limited to:

§3.10.1 Assist the Head Commissioner in creating and outlining an elections budget, as well as tracking use of the proposed funds throughout the elections period.

§3.10.2 Collect from all candidates:

cl. i Financial statement information and auditing such information for compliance with this Code.

§3.10.3 Ensure accurate reimbursement of candidates for legitimate campaign expenses, up to and including one-third (1/3) of the candidate's total budget, following the procedure outlined in §6.4.

§3.11 Duties specific to the Deputy Commissioner for Records shall include, but are not limited to:

§3.11.1 Work with the Head Elections Commissioner to create a calendar of all important dates including, but not limited to: stamping sessions and Elections events, to be given to all candidates at the first Candidate Information Session.

§3.11.2 Take general meeting minutes as directed by the Head Commissioner.

§3.11.3 Assist with the compilation and writing of the Final Report, that is to be presented to the newly elected Steering Committee, as outlined in §3.4.5.

§3.12 Duties specific to the Deputy Commissioner for Outreach shall include, but are not limited to:

§3.12.1 Assist the Head Commissioner in planning information sessions in varying areas across campus: including but not limited to the Paul Robeson Cultural Center, the Gender Equity Center, and the Center for Sexual and Gender Diversity.

§3.12.2 Reach out to different community groups across campus to ensure a diverse and inclusive candidate pool reflective of The Pennsylvania State University community.

§3.13 All Commissioners are joint and severally liable for the wrongdoings of individual Commissioners and the Commission as a whole.

§3.14 The following shall govern the selection of persons to the offices of §3.2:

§3.14.1 The current UPUA Judicial Board Chief Justice will serve as the Head Elections Commissioner.

§3.14.2 The Chief Justice shall assign commissioner roles.

§3.15 The following independent provisions shall be in place and applicable to all Officials from time of application for Office and to volunteers of the Commission and poll workers from the time of their selection:

§3.15.1 No Commissioner, volunteer of the Commission, or poll worker shall be affiliated in fact or in appearance with any candidate or any campaign by providing aid or causing harm.

§3.15.2 No Commissioner shall be eligible for appointment to any UPUA Office until one full Assembly term has passed following service. This provision shall not lift should a Commissioner depart Commission Office.

§3.16 Upon referral by any University Park undergraduate student for potential violations to this code, the Commissioner shall be subject to review first by the Elections Commission. If they are not able to fulfill this obligation due to conflicts of interest, the Steering Committee will hear the review. Elections Commissioners may also hold themselves accountable by initiating the process outlined in §3.15.2 at any time.

§3.16.1 The voting members of the Steering Committee may remove the individual in question from the commission with 3 votes confirming the removal. If a member of Steering is anyway involved in an election they will recuse themselves from any involvement with the Commission.

cl. i The individual would be removed as a commissioner, not as a justice on the Judicial Board.

§3.16.2 The Elections Commission may also remove the individual in question from the Commission by a majority vote. The individual in question will not vote on their removal.

cl. i The individual would be removed as a commissioner, not as a justice on the Judicial Board.

§3.16.3 Replacements of Commissioner shall be selected from the remaining Judicial Board Justices by the Head Elections Commissioner (Chief Justice).

cl. i If the Head Elections Commissioner is removed, the cl. I remaining commissioners will select a new head by a majority vote of the full commission. The new Head Commissioner will then choose a replacement for themselves amongst the remaining judicial board justices.

cl. ii If there are no remaining judicial board justices to fill the position, the Head Elections Commissioner shall assign the vacant role to an existing Elections Commissioner as an additional responsibility.

§3.17 Discharge of Commissioner's duties shall be effective upon the adjournment of the first meeting of the new Assembly.

## **Article IV**

### **Registration and Candidacy**

§4.1 A candidate may only submit their packet to the Commission during the Registration Period, and must do so within this time frame.

§4.2 A candidate is able to register for one (1) legislative seat and as part of one (1) Executive ticket.

§4.2.1 Candidates may not register for a legislative seat nor an Executive ticket if they have already been elected as a Community Group Representative for the upcoming Assembly.

§4.2.2 If a candidate is registered for both a legislative seat and as a part of an Executive ticket and is elected to both positions, they are disqualified from the legislative position and the person with the next highest number of votes is given the seat.

§4.3 The Registration Period will refer to the two Academic weeks prior to the Spring Break of the year in question ending at 5:00 p.m. EST on the Friday before Spring Break of the year in question.

§4.4 Registrants shall complete and submit for validation a completed electronic packet to the Commission to become Candidates for their respective offices and placed on the Elections Ballot by the deadline in §4.3. These materials shall include but not be limited to:

§4.4.1 Personal contact information form.

§4.4.2 Photocopy of Penn State ID+ card.

§4.4.3 Academic Verification from LionPath indicating current good academic standing as a degree-seeking undergraduate student attending classes at University Park or proof of participation in an Education Abroad Program approved by the University.

cl. i For students on Education Abroad in the context of 4.4.3, a student who is present at University Park may engage in the fulfillment of the requirements on behalf of the student who is abroad throughout the registration and campaign process.

§4.4.4 Proof of membership during the term of Office in that Academic College.

cl. i Membership in the Division of Undergraduate Studies (DUS) is defined as anyone who is currently a student in DUS or was previously a student in DUS within one (1) Academic Year.

§4.4.5 Personal photograph to be uploaded to the online Elections website.

§4.4.6 Candidate Biography not to exceed 500 words to be uploaded to the online Elections website.

§4.4.7 Signed pledge to attend at least one (1) Candidate Information Session and one (1) “Meet the Candidates” session.

cl. i Pledge shall include Executive Debate(s) for all Executive Tickets.

§4.4.8 Petition of signatures from registered undergraduate students at University Park with the following minimums:

cl. i Five hundred (500) signatures for an Executive ticket.

cl. ii One hundred (100) signatures for candidates seeking an At Large Representative position.

cl. iii The petition shall require from each signatory their printed name and valid Access ID (ex: abc123) in order to be counted towards the above minimum signature totals.

§4.4.9 Signed written statement detailing the candidate's understanding of the expected time commitments of their position.

§4.4.10 Signed written statement giving the Head Elections Commissioner the authority to communicate with the Penn State Office of Student Conduct through the UPUA Advisor to ensure all candidates for all offices are not currently on probation with a notation on their transcript for offenses included but not limited to: sexual misconduct, hazing, or harassment, nor have they been previously suspended by the University.

cl. i If either of the above are the case, the candidate is immediately disqualified from running in the upcoming election.

§4.5 For the purposes of registration, candidacy, voting, and all other matters, the Offices of the Executive shall be considered a joint ticket. A ticket must include a different candidate for President and Vice President. No individual may run on more than one ticket, nor may any individual run for both offices in a single ticket. The individuals on the ticket shall be joint and severally liable for each other, and the disqualification, resignation, or removal of one member of the ticket shall void the ticket as a whole.

§4.6 Upon submission and validation of qualifications under §4.4, the individual or ticket shall be considered registered for the Elections.

§4.7 During the Registration Period all candidates shall be permitted to engage in the following actions, subject to all governing candidates and provided that such acts do not overtly constitute campaigning:

cl. i Seeking a campaign staff and organizing campaign plans.

cl. ii Purchasing and designing campaigning materials, as long as nothing is publicly revealed.

pt. a Purchasing a custom website domain or URL shall be included under this provision. However, the appearance of any content related to the respective ticket's campaign on the site is not protected or included, and will be considered campaigning at the discretion of the Commission.

cl. iii Speak freely regarding their intent to run for office.

pt. a The mere creation of any digital or social media pages or accounts shall be included under this provision and not considered campaigning. Posting or adding any content on the aforementioned pages or accounts is not protected or included, and will be considered campaigning at the discretion of the Commission.

§4.8 Once an individual fulfills all requirements for candidacy for (a) specific Office(s) in §2.2 and §4.4 and thus becomes a candidate for a specific Office, the individual may not change their registration, except in the case of changes in Academic College. In these cases, candidates must restart their registration packet and must fulfill all qualifications for the new Office.

§4.8.1 Candidates may withdraw from their (respective) race(s) at any time via a signed letter detailing their intentions delivered by the candidate(s) to the Head Elections Commissioner.

§4.9 Any student with the intent to run as a write-in candidate, and wishes to campaign before or on election day, must register with the Elections Commission 24 hours prior to when polls open on the start of election day. Following registration, the write-in candidate(s) are subject to all restrictions outlined herein the Code, but will not be given the opportunity to participate in recognized UPUA Election activities, such as executive debate(s).

§4.9.1 Any write-in candidate that wishes to register for an Academic or At-Large Representative position with a vacancy on the ballot, at the end of the registration period, may be eligible to participate in official UPUA elections activities at the discretion of the Commission.

§4.9.2 Any write-in candidate who has not registered with the Elections Commission, following the process outlined in §4.9, is hereby barred from holding any UPUA elected office regardless of elections results.

## **Article V Campaigning**

§5.1 Campaigning shall be defined as any action undertaken by a candidate or on behalf of a candidate by a campaign staff member, an individual or entity which endorsed said candidate, that in a public manner deliberately or inadvertently:

§5.1.1 Increases recognition of a candidate's name or platform among some or all members of the student body.

§5.1.2 Displays or distributes any information about the candidate or the position for which he or she is a candidate.

§5.1.3 Utilizes stamped campaign materials pursuant to §5.2.

§5.2 Anything in a fixed, tangible form that is non-living and accomplishes anything in §5.1 must be registered with Commission and be stamped with a seal approved by the Commission at a Stamping Session to indicate such registration.

§5.2.1 All stamps shall be kept secure by the Commission when not provided for use at stamping sessions.

§5.2.2 The Commission may not allow stamping at any time outside of stamping sessions.

§5.2.3 All items stamped shall be counted by the candidate and/or campaign and verified by the Commission. A record of items stamped shall be kept by the Commission for reconciliation with submitted financial statements.

§5.3 Candidates and Campaigns shall be required to adhere to all University Policies and shall not engage in any of the following:

§5.3.1 Making defamatory remarks in the public about another candidate, or encouraging others to make such remarks.

§5.3.2 Fostering prejudice against another candidate because of membership in any class protected by the Penn State non-discrimination statement or by law.

§5.3.3 Engaging in the removal, destruction, or mutilation of another candidate's campaign paraphernalia or encouraging others to perform such acts.

§5.4 It shall be prohibited to campaign on election day in computer labs, the HUB, Residence Halls, and Dining Commons or within ten (10) feet of entrances and exits to computer labs or official Commission polling places.

- §5.4.1 Clothing may be worn in a classroom for which the individual wearing has a class at the current time, and all University buildings if it is not intentionally put into motion or draws attention.
- §5.4.2 Candidates may not utilize any university bulletin boards for the purpose of campaigning.
- §5.4.3 Candidates, or their affiliates, may not reserve or use a physical tabling space on election day for the purpose of campaigning.
- §5.4.4 Candidates may not accept assistance from any person, who is not currently a Penn State student at University Park, for the purpose of collecting votes in person on election day.
- cl. i Any candidate who knowingly allows an outside party to assist them in soliciting votes for their campaign shall be eligible for disqualification by the Elections Commission.
- §5.5 Campaigns may have a campaign manager serve as a contact point for the Commission and will be authorized to submit financial statements and engage in stamping.
- §5.6 Campaigning shall be limited in duration from 8:00 AM EST/EDT twelve (12) academic days prior to Election Day until the close of the polls on Election Day.
- §5.7 Offices throughout the University of any kind may at their discretion register with the Commission as Campaign-Free-Zones. It shall be a violation to engage in campaigning in such a zone, which shall be treated as if the zone were a classroom with a class in session. The Office of the Commission, the UPUA Offices, and any/all official UPUA functions shall be Campaign Free-Zones.
- §5.8 For the Election of Community Group Representatives, campaigning shall be decided by the organization hosting the election process, but must follow all University Policy and cannot violate the spirit of the UPUA Elections Code.

## **Article VI**

### **Accounting**

- §6.1 Candidates shall complete financial statements and submit them to the Commission on a running electronic document monitored by the Commission.
- §6.2 Candidates shall be limited in the value of their campaign materials. Limits on the total value of a campaign shall be:

§6.2.1 Six hundred USD (\$600) for a President/Vice President ticket jointly.

§6.2.2 One hundred USD (\$100) for all other offices in §2.2.

§6.3 Candidates/Campaigns shall account for any and all of the following hereinafter considered “assets”:

§6.3.1 All goods and services purchased or obtained through non-monetary exchanges. In the case of rentals, only the value in proportion to use in campaigning shall be required to be assessed.

§6.3.2 Any other tangible or intangible assignable to a candidate/campaign which can be separated from the candidate/campaign, assessed a monetary value.

§6.4 Candidates shall be eligible to receive reimbursement for campaign expenses up to one-third (1/3) of their maximum campaign budget, as outlined in §6.2.

cl. i Receipts will be accepted starting the day after Election Day and must be submitted no later than 11:59pm on the last day of the spring semester.

§6.4.2 The Steering Committee shall be liable for including this monetary amount in the Elections Commission Budget, to cover one-third of expenses for a minimum of (2) Executive Tickets, forty (40) At-Large Representative candidates, and two Academic Representative candidates for each college, to be utilized for reimbursing legitimate campaign expenses only.

§6.5 No candidate may accept monetary payment or donation from any University or non-University affiliated organization for the expressed purpose of running for office, that is in excess of the candidates spending limit.

§6.5.1 Financial assistance must be disclosed on a publicly available form with the specifications of organization name, amount, and date of transaction.

§6.5.2 Any candidate who knowingly accepts payment or donation from any University or non-University affiliated organization for their campaign shall be eligible for disqualification by the Elections Commission.

§6.6 Assets shall be initially valued at the Fair Market Value set by the Commission. The Commission shall have authority to determine the value based on the information obtained. Fair Market Value shall be determined in the following fashion:

- §6.6.1 Prior to the start of the campaign period, the Commission shall set the fair market value price for all campaign items (i.e.: shirts, websites, posters, paper, copies, etc.) based upon written quotes of price which shall be uniform for all candidates on all financial statements.
- §6.6.2 This information must be updated and distributed to all candidates prior to the start of the campaign period.
- §6.7 The following goods and services shall be exempt from financial assessment:
- §6.7.1 Professional services, consulting, performance, or design rendered by non-Penn State students without charge, unless prohibited by this Code.
- cl. i These services, while exempt from monetary assessment, must be disclosed on a publicly available form.
- §6.7.2 Production equipment owned by the candidate that is used to generate campaign paraphernalia.
- §6.7.3 The use of resources on the Internet that is in the public domain.
- §6.8 Candidates must submit the values of items to their financial statement prior to the stamping of said items.
- §6.9 Financial and Accounting Policy of Community Group Representatives Elections shall be dictated by the organization hosting the election process, but must follow all University Policy and cannot violate the spirit of the UPUA Elections Code.

## **Article VII**

### **Enforcement, Penalties, and Disqualification**

- §7.1 All persons affiliated with the University shall be permitted to seek action against a candidate for a violation. No individual other than a Commissioner may enforce this Code.
- §7.2 Only violations of this Code by persons registered as campaign staff of the candidates shall be considered permissible for penalties against campaigns. This does not, however, limit the Commission from charging a campaign with intentional failure to register students and the violation, both of which would constitute a violation of this Code. All other actors shall be referred to the proper authorities outside the jurisdiction of the UPUA.
- §7.3 Claims of a violation shall be received by the Head Commissioner and promptly investigated. Frivolous claims shall be dismissed by a simple majority vote of the Commission.

§7.3.1 The Head Commissioner shall notify the candidates in question of the claim of violation of this Code and provide necessary assistance and information. All information gathering shall be done within two (2) days of the violations report.

§7.3.2 If enough evidence exists as determined by the full Elections Commission they, after considering all facts and testimonies related to the alleged violation, will schedule an initial review conference and may at that time levy a charge against the candidate. All charges shall be explained in detail in writing.

cl.i At the time of the initial review conference the candidate will bring any and all evidence to contest the charges.

§7.3.3 The candidate or ticket will be required to submit a plea of guilt or innocence to the charge(s) within two (2) academic days of the initial review conference.

§7.3.4 In the case of a violation, the Head Commissioner shall notify all candidates running of the violation.

§7.4 Candidates who violate this Code shall be penalized in two forms: campaign spending reduction and accrual of points.

§7.4.1 Candidates shall have their campaign-spending limit reduced according to the formula  $((x*y)+z)\%$  and accrue points according to the formula  $((x*y)+z)$  where:

§7.4.1.1 X is the number between and inclusive of one (1) and seven (7), least to most severe, determined at the discretion of the Commission.

cl. i The Commission must establish a rubric providing definitions and examples of violations on each level, as well as a maximum point total for disqualification, to be approved by the Steering committee at least two (2) weeks before the opening of the registration period.

§7.4.1.2 Y is the number of times the campaign has been found guilty of the specific type of violation of the Code including the current violation.

§7.4.1.3 Z is the sum of the X values employed in assessing violations prior to the currently assessed violation; however, Z shall be zero (0) when Y is greater than one (1).

§7.4.1.4 If the plea is guilty, the candidate in question would accept the charges and penalty presented by the full Elections Commission at the initial review meeting. The penalty shall be created based on the candidate's intent and the amount of harm, if any, caused to community members, the University, or other parties.

§7.5 If at any point in time a candidate exceeds the value limit imposed by §6.2, or a candidate's accrued point total exceeds the point limit, the Commission shall disqualify their candidacy.

§7.6 Voter fraud or voter impersonation shall be grounds for disqualification.

§7.7 A candidate may be removed from the Elections by the Commission if they determine that the candidate or ticket does not meet the requirements for candidacy outlined in Article IV or intentionally violated the guidelines outlined in §5.4.4 or §6.5.1.

## **Article VIII**

### **Voting**

§8.1 The official voting system for the Elections will be: <https://elections.psu.edu>. Voting shall be administered from this site under observation and review of the Commission. The official Elections homepage for UPUA shall be [vote.psu.edu](https://vote.psu.edu). This site shall be the information source for all Elections matters.

§8.1.1 On the day of the UPUA Elections, the Commission shall simultaneously hold Elections for UPAC, ARHS, and Faculty Senate (depending on the Academic Unit's selection process) via <https://elections.psu.edu>.

cl. i The Deputy Commissioner for Information Technology is charged with testing the platform and providing a sample ballot at least five (5) calendar days before Election Day.

§8.2 On Election Day the Commission shall maintain at least one public polling place in the HUB-Robeson Center. The Commission also has the power to establish

public polling places in the Area Commons and any other area as it sees fit as University Policy permits. Any public polling place established by the Commission shall be governed by the rules for campaigning in and near computer labs.

§8.3 Prior to Election Day, the Deputy Commissioner for Information Technology shall obtain from Student Affairs Information Technology, a standard operating procedure of the voting system and paper version of the ballot and shall review these items to ensure compliance with the provisions of this code. Within three academic days prior to the Elections, the Commission shall ensure that the online voting system is fully functional.

§8.4 The Elections system shall accept votes from 7:30 AM until 9:00 PM on Election Day.

§8.5 The Elections homepage (vote.psu.edu.) shall list each position for which the student is eligible to vote with the candidates in alphabetical order by last name, with links to platform statements and campaign websites. Additionally, any printed media shall list candidates in alphabetical order by last name.

§8.6 Candidate's names on the ballot shall be listed in random order. Once an eligible student has been placed on a ballot his/her name may not be removed from the ballot. If a candidate disqualifies as a candidate his/her name shall appear on the ballot as "disqualified" and students are unable to vote for them.

§8.7 After the listing of declared candidates, there shall be a means to cast a write-in vote for each office.

§8.8 Write-in votes shall be aggregated based on reasonable assurance of voter intent

§8.8.1 A vote shall only count once per ballot for each office, regardless of the number of times that name appears on a single ballot.

§8.9 If the voter fails to vote for enough candidates to fill all available seats for a specific Office, then the votes cast shall be counted, but the votes not cast shall be forfeited.

§8.10 Voters may cast as many votes for candidates as there are positions to be filled.

§8.11 Voters shall not be able to cast more than one ballot. Voters found to have cast more than one ballot shall have none of their ballots counted.

§8.12 At the conclusion of the Elections, the Deputy Commissioner for Information Technology shall compile a report listing all of the candidates for each office and the number of votes received. The Commission shall meet to approve the report and compile the preliminary results, but no person shall be entitled to office on the basis of these preliminary results. The advisor of the UPUA and representatives of campus media who are neither members of the editorial staff, nor current or candidate members of the UPUA, may be present at this meeting.

§8.13 For any given office, there may only be as many winners as there are available seats. No person shall be eligible to take a seat if for whatever reason there is a dispute involving too many winners. In the cases of which affect who may be declared a winner, the tie shall be broken in a Runoff Election held within one week in accordance with the UPUA Constitution. The Runoff Election shall follow the provisions of this Code as appropriate.

§8.14 The following shall govern the request for recounts:

§8.14.1 The Commission may take a recount at the written demand of any of the following: Two thirds of the Commission, two-thirds of the sitting Assembly, or two-fifths of all candidates running for any position in the Elections.

§8.14.2 A recount may not be called after the certification deadline.

§8.15 The following procedure shall be used in the recounting of votes:

§8.15.1 The recount shall begin within thirty-six (36) hours of demand.

§8.15.2 The Commission shall post the time and place of the recount in a public place and the recount shall be open to the public, including the media, though the number of members of the public and media may be limited. Candidates shall be permitted to attend the recount.

§8.15.3 The Commission shall conduct the recount.

§8.15.4 Prior to the start of the recount, the Commission shall print all of the electronic ballots.

§8.16 The certification deadline, should no recount be called, shall be 11:59PM EST/EDT on the first Friday following the Elections. A recount having nonetheless been conducted, the Commission shall certify in writing the Elections results and present them to the current Assembly.

§8.17 The certification deadline should a recount be called shall not be later than 48 hours after the final tallying of the recounted votes. A recount having been conducted, the Commission shall certify in writing the Elections results and present them to the current Assembly.

§8.18 Should an office be awarded and declined by a candidate, prior to the installation, the next eligible person receiving the next amount of votes shall be entitled to the office.

§8.19 The certified results shall be retained by the organization for one academic year after which the results shall be archived with University Libraries.

§8.20 During the time in which the polls are open, all voters shall be entitled the following rights. If a voter feels these rights have been violated, they shall be entitled to seek recourse with the Commission.

§8.20.1 The right to vote for any eligible candidate.

§8.20.2 The right to have one's vote recorded, tallied, and reported accurately as part of the Elections results.

§8.20.3 The right to vote anonymously.

§8.20.4 The right to inquire with the Commission into the rules and interpretations of this Code.

§8.20.5 Voters shall be entitled to exercise these rights freely and without fear of harm.

§8.21 The Voting Policy of Community Group Representatives Elections shall be dictated by the organization hosting the election process but must follow all University Policy and cannot go against the spirit of the UPUA Elections Code.

§8.21.1 All members of the Community Group must have the ability to vote in the election.

## **Article IX Endorsements**

§9.1 Candidates shall not knowingly give the impression that an endorsement exists if it does not. Anything to the contrary shall be considered a violation of this Code.

§9.2 Standing, Ad Hoc, and other Committees and entities of the UPUA may not endorse candidates.

§9.3 Candidates running for executive positions may not officially endorse At-Large Representative candidates or Academic College candidates.

§9.4 Candidates running for At-Large Representatives or Academic College Representatives may not officially endorse other candidates or any executive ticket.

§9.5 Undergraduate student members of the Penn State administration, Board of Trustees, faculty, and staff may not endorse candidates in their official capacity as members of their bodies. Any informal endorsement wished to be made by the undergraduate student members of their bodies must be accompanied by a disclaimer noting it is in no way reflective of the body in which they serve.

§9.6 Individuals who are not running for Office during the year in question may officially file endorsements of candidates by submitting the necessary form(s) to the Commission.

§9.7 Executive boards of organizations and individuals who have endorsed a candidate are considered members of the candidate or tickets campaign staff for the purposes listed in §5.1.

§9.7.1 This consideration is only activated upon the filing of the proper paperwork and documentation to the Elections Commission.  
Candidates may not misrepresent or announce endorsements prior to the filing of the proper paperwork and documentation to the Commission.

§9.7.2 Candidates may not misrepresent or announce endorsements prior to the filing of the proper paperwork and documentation to the Commission.

§9.7.3 Candidates running for Community Group seats may not endorse Executive candidates, At-Large candidates, Academic College candidates, nor other Community Group candidates.

§9.8 Candidates running for Executive tickets seats may not endorse Community Group

§9.9 Candidates running for At-Large seats may not endorse Community Group candidates.

§9.10 Candidates running for Academic College seats may not endorse Community Group candidates.

## **Article X**

### **Community Group Representative Elections**

§10.1 Community Group Seats shall be elected in a democratic manner by the respective organization these Representatives represent. The Representative shall be elected no later than one week following the conclusion of UPUA election season as defined by the UPUA governing documents.

§10.1.1 Each member of the Community Group must have the ability to vote in the election.

§10.1.2 The Election must be public.

§10.1.3 All candidates must be nominated by any member of the Community Group.

§10.1.4 All Individuals must be given an opportunity to accept or deny a nomination.

§10.1.5 Each candidate must give a speech detailing why they are the most qualified for the role.

§10.1.6 There must be a time for voters to ask questions to the candidates.

§10.1.7 There must be a discussion among voters for who the most qualified candidate is, starting with an explanation of why the individual was nominated by the nominator.

§10.2 Community Group Candidates shall be subject to Academic Verification from LionPath indicating current good academic standing as a degree-seeking undergraduate student attending classes at University Park or proof of participation in an Education Abroad Program approved by the University.

§10.3 The organizations electing candidates will have jurisdiction over all powers not enumerated to the Elections Commission in Article X of the Elections Code so long as the spirit of the Elections Code is not violated.

**Article XI**  
**Non-UPUA Elections**

§11.1 The authority to conduct the University Park Allocation Committee (UPAC) Election shall be pursuant to the UPAC Constitution Article 2.

§11.2 The authority to facilitate the Association of Residence Hall Students (ARHS) Election shall be pursuant to the ARHS Elections Code 13.1.

§11.3 The UPUA accepts the authority granted to it by the UPAC Constitution and Governing Documents to conduct the fair Elections of undergraduate student representatives to UPAC.

§11.4 All Candidates that intend to run in the UPAC Election must submit an information packet as outlined in Article IV of the UPUA Elections Code to the Elections Commission.

§11.4.1 There shall be elected as many undergraduate students to serve on UPAC as outlined in the UPAC Governing Documents.

§11.4.2 Once registered, candidates for the UPAC shall be held to the standards enumerated above for the UPUA Elections.

§11.4.3 The Elections Commission shall communicate the Elections results within one (1) day to the UPAC Chair.

§11.4.4 Any information, including registration information and photographs, collected by the commission shall be duly compiled and submitted to the UPAC Chair in a timely manner.

§11.5 The UPUA accepts the authority granted to it by the ARHS Elections Code.

§11.5.1 The Commission shall work with the ARHS Head Commissioner to ensure that approved candidates are included on the ballot.

§11.5.2 The Commission shall communicate the Elections results within one (1) day.

## **Article XII**

### **Ratification and Amendments**

§12.1 The Assembly may, in initial consideration of this Code, make amendments with a vote of a simple majority.

§12.2 A two-thirds (2/3rds) majority of those present and voting in the Assembly shall be sufficient for Ratification of this Code and subsequent authorization for the carrying out of its content.

§12.3 Amendments made after initial approval shall require a two-thirds (2/3rds) majority of those present and voting.

§12.4 The power to amend this Code at any time shall not be construed, under any circumstances, as allowing for the ex-post-facto application of provisions amended to it, nor shall the removal of a provision in this Code negate culpability for violations occurring prior to that removal.

