

**THE UNDERGRADUATE SENATE
OF THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL**

USB-99-212

A BILL TO AMEND TITLE III ELECTION REGULATIONS

30 OCT 2017	INTRODUCED BY CHAIR WOODS
30 OCT 2017	REFERRED TO THE RULES & JUDICIARY COMMITTEE
30 OCT 2017	REPORTED FAVORABLY TO FULL UNDERGRADUATE SENATE
30 OCT 2017	PLACED ON THE CONSENT CALENDAR
30 OCT 2017	212 PASSED BY FULL UNDERGRADUATE SENATE

WHEREAS, the Student Code requires substantive changes in order to reflect the new Student Constitution

WHEREAS, the Student Code requires changes to ensure

THEREFORE, BE IT ENACTED BY THE UNDERGRADUATE SENATE OF THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL THAT:

Section 1. The following shall be the third Title within the Student Code designated *Statutes Affecting Undergraduate Students*.

Title III

Election Regulations

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Chapter 1

Statement of Purpose and Definitions

Article I. Purpose and Definitions

Section 100. Purpose

The purpose of this Act is to establish the Undergraduate Student Government General Election Laws for the University of North Carolina at Chapel Hill.

Section 101. Definitions

- A. Declaration of Candidacy is defined as the official document submitted by a student declaring their intent to run for office, and subsequent confirmation by the Board of Elections . This document must be submitted during the mandatory candidates' meeting or through a substitute training mechanism, which has been unanimously approved by the sitting Board of Elections prior to the start of the election timeline in which it will be used.
- B. Declared Candidate is defined as a student who has submitted their Declaration of Candidacy, and has received confirmation by the Board of Elections. Thus, is pending certification by the Board of Elections.
- C. Certified Candidate is defined as a student who has received a Final Certified notification by the Board of Elections to appear on the ballot.
- D. Campaign is defined as the actions taken by a candidate, whether certified or not, or candidate supporter in order to assist in their goal of obtaining office. This includes

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dorm-storming, pit-sitting, a-frames, fliers, posters, and any other activity deemed relevant by the Board of Elections and Student Supreme Court.

- E. Candidate Supporter is defined as any student who assists a candidate in their campaign endeavors. This can be in official capacity, such as a campaign manager, or unofficial capacity.
- F. Hallstorming is the act of visiting campus residence halls operated by the Department of Housing & Residential Education or Granville Towers for the purpose of soliciting signatures or promoting a candidate's campaign for the office of USG President or Residence Hall Association President or the Undergraduate Senate seat(s) in that District. Candidates for the Undergraduate Senate may only visit those Residence Halls that are a part of the District in which they are running for candidacy, and if those candidates are campaigning in the District in which they do not currently live. Any questions on which Residence Halls are a part of a certain District shall be directed towards the current Ethics Chair of the Undergraduate Senate and the current Board of Elections Chair. The provisions in the above language, and other language in Title III having to do with Hallstorming for the Undergraduate Senate shall only apply to those candidates running in the Spring General Elections.
- G. Referendum is defined as either:
 - a. A student fee referendum that creates, increases, or decreases student fees;
 - b. An issue referendum, that adopts a position on a specific issue;
 - c. An amendment to the Constitution of The Code of Permanent Laws of the Student Government of the University of North Carolina at Chapel Hill; or
 - d. A ballot initiative.
- H. Referendum Campaign is defined as the actions taken in order to assist in their goal of passing or defeating a referendum. This includes dorm-storming, pit-sitting, a-frames, fliers, posters, and any other activity deemed relevant by the Board of Elections and/or Student Supreme Court.

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- I. Referendum Contact is defined as the individual designated to represent a referendum to the Board of Elections. Each referendum must have a referendum contact in order to be placed on the ballot.
- J. Referendum Worker is defined as any student who partakes in referendum campaign activities in favor or opposing of a referendum. This can be in official or unofficial capacity.
- K. Ballot Petition is defined as a petition document that a declared candidate, referendum contact, or their respective supporters, fills with signatures in order for a candidate or referendum to appear on an election ballot.
- L. Regular Elections are the elections to fill campus-wide offices and the Undergraduate Senate seats, including the fall elections held within the week before the Homecoming Game for Homecoming Court Elections and spring elections.
- M. Special Elections are the elections held to fill vacancies in campus-wide offices and the Undergraduate Senate arising more than forty-five days before a regular election and/or to approve referendum not held during regular elections.
- N. Re-Elections are elections held in the event that the results of a previous election are voided by the Board of Elections or the Student Supreme Court.
- O. Run-off elections are elections held when a specific candidate, which requires a majority of the cast certified votes, fails to receive such votes in a regular, special, or re-election.
- P. Campaign Materials are defined as all materials purchased **or used** by a candidate, referendum, or their respective supporters, for the purpose of campaigning.
- Q. Campaign Expenditures are defined as all expenditures, physical or in cyberspace, of a candidate, referendum, or their respective supporters, for the purpose of campaigning.

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- R. Private Campaigning is defined as any private personal spoken or written communications from the presumptive candidate for the purpose of preparing campaign materials and privately recruiting campaign workers.
- S. Public Campaigning is defined as any campaigning for the purpose of obtaining signatures for a petition such as, but not limited to:
- a. Personal private discussions, not at a gathering of recognized campus organization/ and or a group larger than 5 individuals with the exception of Campaign staff meetings, concerning candidacy or prospective candidacy.
 - b. Electronic Campaigning is defined as the use of electronic resources for the sole purpose of obtaining signatures to include, but not limited to: social networks, websites, emails, and internet advertisements as private messages only. Mass usage of emails and social media are strictly prohibited for the purpose of obtaining signatures and recruiting campaign members.
 - c. Frame Campaigning is defined as the use of A-Frames and large signage for the sole purpose of obtaining signatures.
- T. Active Campaigning is defined as campaigning utilizing publicly distributed printed materials (such as flyers, A-frames, posters, etc.) and mass use of: email, social media, and telephone services. Likewise, any in person campaigning by a candidate or the campaign worker of a candidate's campaign or a referenda for the purpose of being elected.
- U. Constituency is defined as the pool of eligible voters for each respective office.
- a. The constituency for the USG President is all duly registered, undergraduate fee paying students.
 - b. The constituency for the President of the Carolina Athletic Association is all duly registered fee paying students.
 - c. The constituency for the President of the Residence Hall Association is all duly registered fee paying students residing in campus residence halls or Granville Towers.
 - d. The constituency for President and Vice President of the Rising Senior Class is all duly registered fee paying juniors or continuing seniors.

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- e. The constituency for Members of the Undergraduate Senate is all duly registered fee-paying residents from the district of respective candidates.
- f. The constituency for the Homecoming Court is all duly registered fee-paying students.
- g. The constituency for an Undergraduate Student Government referendum is all duly registered undergraduate fee paying students.

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Chapter 2

Election Cycle

Article I. Election Cycles

A. Section 200. Spring General Election

The Spring General Election shall be held on the second Tuesday of February from 12:00 a.m. until 8:00 p.m. to elect the following offices:

- a. The President of the Undergraduate Student Body;
- b. The President of the Carolina Athletic Association;
- c. The President of the Residence Hall Association;
- d. President and Vice President of the Rising Senior Class (elected concurrently);
and,
- e. Members of the Undergraduate Senate.

2. The following shall be the timeline of the Spring General Election:
 - a. The Board of Elections will make available to the Student Body an approved election training mechanism twenty-one (21) days before the Spring General Election. When a training mechanism is approved by the Board of Elections, then completion of this training mechanism shall be mandatory for all students who cannot attend a "Declaration of Candidacy" meeting.
 - b. The Board of elections shall conduct "Declaration of Candidacy" Meetings sixteen (16) and fifteen (15) days before the Spring General Election. Attendance at one of these meetings shall be mandatory for all students who declare candidacy and have not completed an election training mechanism approved by the Board of Elections. After which the Board of Election will send a confirmation email to all candidates after the last "Declaration of Candidacy" meeting to notify said candidates that Public Campaigning may commence.

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- c. Ballot Petitions must be submitted to the Board of Elections no later than 5:00 p.m. eight (8) days before the Spring General Election.
- d. The Board of Elections shall release a provisional list of Certified Candidates no later than twenty-four (24) hours after the Ballot Petitions are due. This occurs seven (7) days before the Spring General Election.
- e. Declared Candidates and Campaigns that have petitions out of order shall have twenty-four (24) hours after the release of the provisional list of Certified Candidates to correct their petitions and re-submit them to the Board of Elections. This occurs six (6) days before the Spring General Election.
- f. The Board of Elections shall release a Final list of Certified Candidates five (5) days before the Spring General Election notifying the commencement of Active Campaigning.
- g. If needed, a Run-Off Election shall occur seven (7) days after the Spring General Election.

Section 201. Fall General Election

- A. The Fall General Election shall be held eight (8) days before the Homecoming Football Game from 12:00 a.m. until 5:00 p.m. to elect the members of the Homecoming Court.
- B. The following shall be the timeline of the Fall General Election:
 - a. The Board of Elections will make available to the Student Body an approved election training mechanism twenty-one (21) days before the Fall General Election. When a training mechanism is approved by the Board of Elections, then completion of this training mechanism shall be mandatory for all students who cannot attend a “Declaration of Candidacy” meeting.
 - b. The Board of elections shall conduct “Declaration of Candidacy” Meetings sixteen (16) days before the Fall General Election. This meeting shall be mandatory for all students who declare candidacy and have not completed an election training mechanism approved by the Board of Elections. After which the Board of Election will send a confirmation email to all candidates after the “Declaration of Candidacy” meeting to notify said candidates that Public Campaigning may commence.

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- c. Ballot Petitions must be submitted to the Board of Elections no later than 5:00 p.m. eight (8) days before the Fall General Election.
- d. The Board of Elections shall release a provisional list of Certified Candidates no later than twenty-four (24) hours after the Ballot Petitions are due. This occurs seven (7) days before the Fall General Election.
- e. Declared Candidates and Campaigns that have petitions out of order shall have twenty-four (24) hours after the release of the provisional list of Certified Candidates to correct their petitions and re-submit them to the Board of Elections. This occurs six (6) days before the Fall General Election.
- f. The Board of Elections shall release a Final list of Certified Candidates five (5) days before the Fall General Election notifying the commencement of Active Campaigning.
- g. The Fall General Election shall be held on the Friday before the Homecoming Football Game.
- h. If needed, a Run-Off Election shall occur seven (7) days after the Fall General Election.

Section 202. Special Elections

- A. Special Elections shall be held to fill vacancies in the Undergraduate Senate arising more than forty-five (45) days before the Spring or Fall General Elections.
- B. Special Elections shall be held during the Fall and Spring semesters on a day when classes are in session.
- C. For vacancies in the Undergraduate Senate, the Chair of the Ethics Committee of the Undergraduate Senate shall report vacant Undergraduate Senate seats to the Chair of the Board of Elections within two (2) business days of the vacancy. The Board of Elections shall set the date for Special Elections to fill the vacant seat(s) in accordance with the Constitution, Chapter 2, Article I, Section 4.
- D. For the approval of referenda, the Board of Elections shall be responsible for seeing that all referenda are held on the date as provisioned by the Undergraduate Senate.

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- E. Special Elections for Undergraduate Student Body Recalls, as outlined in the Constitution, Chapter 1, Article VIII, Section 7 shall be held no fewer than six (6) and no more than fifteen (15) days after the petition for such review has been certified by the Board of Elections and is received by the USG President.
- F. Special Elections for Undergraduate Student Body-initiated referendum, as outlined in the Constitution, Article V, Section 3, shall be held no fewer than six (6) and no more than fifteen (15) days after the petition for such review has been certified by the Board of Elections and is received by the USG President.
- G. The following shall be the timeline of Special Election(s):
- a. The Board of Elections may make available to the Student Body an approved election training mechanism twenty-one (21) days before the Special Election. If a training mechanism is approved, then completion of this training mechanism shall be mandatory for all students who declare candidacy and have not attended a “Declaration of Candidacy” meeting.
 - b. The Board of Elections shall conduct a “Declaration of Candidacy” Meeting no less than eight (8) days before the Special Election. This meeting shall be mandatory for all students who declare candidacy and have not completed an election training mechanism approved by the Board of Elections. After which the Board of Election will send a confirmation email to all candidates after the “Declaration of Candidacy” meeting to notify said candidates that Public Campaigning may commence.
 - c. Ballot Petitions must be submitted to the Board of Elections no later than 5:00 p.m. six (6) days before the Special Election.
 - d. The Board of Elections shall release a provisional list of Certified Candidates no later than twenty-four (24) hours after the Ballot Petitions are due. This occurs five (5) days before the Special Election.
 - e. Declared Candidates and Campaigns which have petitions ruled out of order shall have twenty-four (24) hours after the release of the provisional list of Certified Candidates to correct their petitions and re-submit them to the Board of Elections. This occurs four (4) days before the Special Elections.

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- f. The Board of Elections shall release a Final list of Certified Candidates three (3) days before the Special Elections notifying the commencement of Active Campaigning.
- g. If needed, a Run-Off Election shall occur seven (7) days after the Special Election.

Chapter 3

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Undergraduate Student Government Participation

Article I. Participation

Section 300. Undergraduate Student Government Participation in Elections

A. Student Government Offices.

- a. For the duration of the campaign for any elected position, no Undergraduate campaign materials may be displayed or stored in the offices of Student Government, including but not limited to the offices of the Executive and Legislative branches and the offices of the Honor Court and the Student Attorney General.

B. Undergraduate Student Government Involvement in Campaigns.

- a. The following Undergraduate Student Government members shall not participate in a campaign for any elected position, make public endorsement for any candidate, nor shall they make any statement for or against a referenda campaign or candidate:
 - a. USG Student Attorney General;
 - b. USG Chair of the Undergraduate and Graduate Honor Courts;
 - c. Undergraduate Members of the Student Supreme Court;
 - d. USG Student Solicitor General;
 - e. Undergraduate members of the Board of Elections; and,
 - f. Undergraduate Members of the Student Legal Counsel (except in the case of legal hearings, pre-trials, trials, and legal papers). When participating in student body elections or endorsing a particular candidate, it must be made clear that the official is speaking only on behalf of themselves and not for the Undergraduate Student Government or any subsidiary thereof.

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Chapter 4

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Candidate Campaigns

Article I. Guidelines

Section 400. Candidate and Campaign Responsibilities

- A. Candidates, campaigns, and their campaign staffs are expected to know and obey the laws contained in Title III. Violations of campaign laws are to be filed as election complaints to the BOE. Any student who has knowledge of an election law violation has a responsibility to file an election complaint to the BOE.
- B. Candidates retain the right to all actions not explicitly prohibited or reasonably prohibited by Title III.

Section 401. General Responsibilities

- A. Qualifications for Office. A candidate for office must meet the following requirements or be determined ineligible to hold, and/or run for, the office:
 - a. They must be duly registered fee-paying students in good standing at the University of North Carolina at Chapel Hill.
 - b. They shall not be on probation for violation of the Honor Code or Campus Code of Conduct, nor shall they be on probation after conviction by a Student Court for an offense against the Student Body, nor may they have filed for graduation.
 - c. They shall be a constituent of the office for which they are candidates on the first day of the fall semester after the spring general election is held or at the time of running in a special election.
 - d. Incumbents facing recall shall have the right to be a candidate in the recall election.
 - e. No person shall be a candidate for more than one office simultaneously in the Undergraduate Student Government.

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- f. It shall be the duty of the Board of Elections with the support of the Division of Student Affairs to determine the standing of all candidates qualified for election by petition or write-in.
- B. Only those students of the University of North Carolina at Chapel Hill who are living in member residence halls of the Residence Hall Association may be eligible to run for the office of Residence Hall Association President.
- C. Sponsored Message
- a. All unique physical and digital materials including, but not limited to: print matter, social media accounts, website(s), and video(s), produced by a particular candidate or candidate's campaign, must have the candidate's name on it in the following manner: "sponsored by the [name] for [office] campaign." It shall be the duty of the Board of Elections to determine specifications regarding the Sponsored Message.
- D. Polling Site(s)
- b. The Board of Elections will operate at least one polling site for both general elections, and shall enlist the Undergraduate Senate Government members from Chapter 3, Article 1, Section 300B to aid in operating said sites.
 - c. A polling site shall be defined as a (group of) computer(s) connected to the Internet, or a conventional ballot box with legible ballots available for casting, that has been advertised as a place to vote.

Section 402. Technology

- A. Web pages. The following rules shall apply to candidate websites:
- a. URL(s) of candidate's web page(s) must be specified in the financial statement submitted by the campaign;
 - b. No campaign-related material may be posted on the web until after a candidate has received an email from the Board of Elections confirming their Intent to Run.

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- c. Manipulation of University property shall be prohibited. No university-owned computers may be set to default a candidate's webpage, social network group, or other campaign-related documents.
- d. Candidate web pages, including social networking groups, shall contain, in the biography, the same endorsement as any other campaign material, as defined in Title III Chapter 4 Section 401B.

B. E-mail:

- a. Unsolicited e-mailing to mailing lists shall be permissible for campaigning, once a candidate has been certified by the Board of Elections. The subject line of said e-mails must read:
 "Vote for [candidate] for [office]" and the message must include the e-mail address of the sender or other electronic reply address and may not be given a "high" or "URGENT" priority designation. *Messages sent via any website (including social networking websites, blogs, bulletin boards, etc.) shall be considered e-mail.*
- b. E-mail lists and social media/networking websites reserved for the use of Undergraduate Student Government officials or any party acting on behalf of Undergraduate Student Government may not be used to advance the candidacy of any individual or support the passage or failure of a referendum.

C. Telephone services.

- a. Mass use of voicemail is permissible for purposes of campaigning, once the candidate or campaign has been certified by the Board of Elections. The first words left in the message must be "THIS MESSAGE IS IN SUPPORT OF [candidate] FOR [Office]. REPLY TO [Phone number of sender]." The message shall be no longer than 30 seconds.
- b. Mass SMS/MMS messages shall not be sent until a candidate becomes certified. This shall include mass messaging in various instant messaging applications such as GroupMe, Facebook group messaging, etc.

Section 403. Pre-Declaration (Private Campaigning)

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- A. Potential undergraduate candidates and campaigns shall be subject to the laws governing elections and all restrictions herein.
- B. No campaign or candidate shall Publicly and/or Actively campaign (101S, 101T) before the “Declaration of Candidacy” meeting. No candidate or campaign shall publicly declare their intent to run for office before the mandatory candidates’ meeting established in 200B(1) for the Spring General Elections, 201B(1) for the Fall General Elections, and 202H(1) for Special Elections.

Candidates may Privately Campaign as established in 101R

Note: Private Campaigning for Spring General Elections shall begin at midnight October 1st . Any private campaigning before is strictly prohibited and shall constitute False Start per 801F(2).

Section 404. Campaigning for Declared Candidates (Public Campaigning)

- A. Upon receiving a confirmation email after the “Declaration of Candidacy” meeting by the Board of Elections as stipulated in Chapter 2, candidates and candidate supporters may Publicly Campaign for the purpose of obtaining proper signatures for the petition to Appear on the Ballot and engage in electronic campaigning and frame campaigning as defined in Title III, Chapter 1, Section 101Q.
- B. Any student who is eligible and wants to become a candidate for any office and desires to have their name appear on the ballot and receive student financing of their campaign may do so, provided that they attend the mandatory candidates’ meeting, or have completed the online training mechanism, submits the required ballot petition, and follows the schedule stipulated in Chapter 2.
- C. The number of constituents’ signatures required to file a valid petition shall be as follows:

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- a. At least one thousand (1000) unique signatures for the President of the Undergraduate Student Government.
 - b. At least seven hundred fifty (750) unique signatures for the President of the Carolina Athletic Association.
 - c. At least two hundred and fifty (250) unique signatures for the President of the Residence Hall Association.
 - d. At least two hundred and fifty (250) unique signatures for the President and Vice President of the Rising Senior Class.
 - e. At least twenty-five (25) unique signatures for Members of the Undergraduate Senate.
 - f. At least two hundred (200) signatures for Members of the Homecoming Court.
- D. No student shall sign more than one petition for each office, nor shall they sign a petition for an office of which they is not a constituent. For Undergraduate Senate elections, students may sign as many petitions as there are seats on the ballot for that district. Duplicate and non-constituent signatures shall be considered void. Candidates and their campaign workers shall inform the students of this stipulation.
- E. Each signature on the petition must be accompanied by a name, PID, the address and class of the person signing the petition. These items must be filled out by the person signing the petition.
- F. Only Onyen verified electronic signatures may also be used to fulfill the signature requirement in Section 404 Subsection C.
- G. Hallstorming. With the assistance of the Department of Housing & Residential Education, the Board of Elections shall develop an annual policy for hallstorming. Declared candidates or campaigns for the offices of Residence Hall Association President, Undergraduate Student Government President, or Undergraduate Senator in the on-campus District for which they are campaigning to represent may participate in hallstorming to collect petition signatures; provided that the candidate or campaign follow all policies set by the Department of Housing & Residential Education.

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Section 405. Campaigning for Certified Candidate Campaigns (Active Campaigning)



- A. A Certified Candidate's Campaign may Privately, Publicly, and Actively as defined in Title III, Chapter 1, Section 101R campaign once it has been placed on the Final Certified List released by the Board of Elections.
- B. Candidates' Responsibility for Campaign Workers and Supporters. All candidates shall be responsible for the actions of their campaign workers and supporters whether or not the candidate has knowledge of such actions. If a violation(s) occurs without the knowledge of the candidate, the candidate must take the following actions upon discovery or notification of such violation(s):
1. The candidate must try to nullify or correct the action causing the violation if possible;
 2. The candidate must remove the worker from campaign work and disavow the efforts of the supporter; and,
 3. The candidate must report the violation to the Chair of the Board of Elections within five (5) hours of the candidate's notification of the violation.

Section 406. Post-Election

- A. All candidates running for office, including write-in candidates shall submit financial statements, on a format to be specified by the Chair of the Board of Elections no later than five (5) p.m. the day after the regular, special, or run-off elections. The Chair of the Board of Elections may grant an extension of this time limit, not to exceed twenty-four (24) hours in length, to any candidate who requests such extension before the original deadline. The candidate must demonstrate to the Chair's satisfaction that they cannot, for a valid reason, submit their statement within the specified time limit. A financial statement must be submitted even if there are no campaign expenditures.
- a. Exception: If a candidate loses their election and does not wish to be reimbursed for their campaign expenditures, they need not submit a financial statement so long as they notify the Board of Election that they wish to do so.

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- B. The Board of Elections may request any candidate to produce additional financial evidence clarifying or justifying their statements.
- C. No election shall be certified and announced until all winning candidates for that office have turned in their financial statements and had them verified or have been disqualified for failure to submit a financial statement.
- D. All write-in candidates who secure a run-off election must complete the online training mechanism at least four (4) days before the run-off election for their name to appear on the ballot.

Chapter 5

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Referenda Campaigns

Article I. Guidelines

Section 500. The Referendum Contact

- A. All parties campaigning for or against a referendum campaign must register a referendum contact with the Board of Elections. Each party must name a registered UNC Chapel Hill student as the referendum contact in order to campaign for or against the referendum.
 - a. Should there be multiple parties who wish to campaign for or against a referendum and are unwilling to work together, the Board of Elections shall determine which party shall be the official referendum contact for that position. Each party shall have its own, separate contact.
 - b. The referendum contact shall be held legally responsible in the case of any lawsuits arising from campaign violations.
- B. The referendum contact for each party shall be responsible for filing a financial statement after the election.

Section 501. Materials

All referendum campaign materials must visibly state "Sponsored by [referendum campaign name]" on the front of the item. This statement shall also be included in all electronic communications.

Section 502. Technology

- A. The following rules shall apply to websites in favor or against referendum.
 - a. URL(s) of referendum web page(s) must be specified in the financial statement submitted by the referendum contact.
 - b. No campaign material may be posted on the web until after a referendum contact has been registered with the Board of Elections. Only private/secret/invitation-

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only websites may be utilized to communicate with referendum workers involved with the referendum campaign.

- c. No university-owned computers may be set to default a referendum's web page, social network group, or other campaign-related documents.

B. Social networking groups shall contain the same endorsement as any other campaign material, as defined in Title III Chapter 5, Section 501.

C. E-mail

- a. Unsolicited e-mailing to mailing lists shall be permissible for campaigning, unless otherwise prohibited by the Board of Elections, once a referendum is placed on the ballot by the Board of Elections and a referendum contact has been declared. The subject line of said e-mails must read: "Vote for/against [referendum name]" or "Vote Yes/No on [referendum name]" and the message must include the e-mail address of the sender or other electronic reply address and may not be given a "high" or "URGENT" priority designation. Messages sent via any website (including social networking websites, blogs, bulletin boards, etc.) shall be considered e-mail.

D. E-mail lists and social media/networking websites reserved for the use of Student Government officials or any party acting on behalf of Student Government may not be used to support the passage or failure of a referendum.

E. Email lists and social media/networking websites created primarily for the use of those in positions of academic and administrative authority at the University may not be used to support the passage or failure of a referendum.

F. Telephone services

- a. Mass use of voicemail is permissible for purposes of campaigning, once the candidate or campaign has been placed on the ballot by the Board of Elections. The first words left in the message must be "THIS MESSAGE IS IN SUPPORT

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OF [Name of referendum]. REPLY TO [Phone number of sender].” The message shall be no longer than 30 seconds.

- G. Mass SMS/MMS messages shall not be sent until a referendum has been placed on the ballot.

Section 503. Campaigning before being placed on the Ballot

- A. Referenda campaigns wishing to have a referendum placed on the ballot must:
 - a. Have the referendum placed on the ballot by the Undergraduate Senate, as outlined in Title I; or,
 - b. Collect a ballot petition with signatures from no less than 10% of the student body, as outlined in the Constitution.
- B. Referenda campaigns must declare their intent to place a referendum on the ballot to the Board of Elections prior to collecting signatures.
- C. Referenda campaigns may collect signatures for a referendum at any time during the academic year, as a referendum may appear on the Fall or Spring General Election ballot.
- D. Each signature on a ballot petition must be accompanied by a name, PID, residence, and class, to be filled out by the individual signing the petition.
- E. Onyen verified electronic signatures may also be used to fulfill the signature requirement in Section 503 Subsection D.

Section 504. Campaigning Once on the Ballot

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- A. A referendum campaign may privately, publicly, and actively campaign as defined in, Chapter 1, Section 101R, campaign once being placed on the ballot by the Board of Elections.
- B. Referendum Contact's Responsibility for Supporters. All referendum contacts shall be responsible for the actions of their referendum supporters whether or not the contact has knowledge of such actions. If a violation(s) occurs without the knowledge of the contact, the contact must take the following actions upon discovery or notification of such violation(s):
 - a. The contact must try to nullify or correct the action causing the violation (if possible);
 - b. The contact must remove the worker from campaign work;
 - c. The contact must report the violation to the Chair of the Board of Elections within five (5) twenty-four (24) hours of the contact's notification of the violation.
 - d. Any further violations by that contact's workers may result in the prohibition of that party from further campaigning on the referendum, removal of said referendum from the ballot or other punishments deemed appropriate by the Board of Elections.

Section 505. Post-election

- A. All referendum contacts shall submit a financial statement, on a format to be specified by the Chair of the Board of Elections no later than five (5) p.m. the day after the regular, special, or run-off elections. The Chair of the Board of Elections may grant an extension of this time limit, not to exceed twenty-four (24) hours in length, to any contact who requests such extension before the original deadline. The contact must demonstrate to the Chair's satisfaction that they cannot, for a valid reason, submit their statement within the specified time limit. A financial statement must be submitted even if there are no campaign expenditures.

B. Finance

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- a. All referenda campaigns must abide by a spending limit of \$100.00 as defined in Title III, Chapter 6, Section 600E. These campaign expenditures shall not be reimbursed by Student Government.
 - b. The referendum contact must sign a sworn statement that they have not utilized student fee money in their campaign. The contact shall be required to turn over any financial documents requested by the Board of Elections.
 - c. Referendum workers campaigning for or against a referendum must do so strictly on a volunteer (unpaid) basis.
- C. If a referendum contact of the prevailing referenda position fails to submit a financial statement within the specified amount of time, including extensions if granted, the results from the referendum election shall be invalidated by the Board of Elections.
- D. If a referendum contact of the prevailing referenda position knowingly falsifies a financial statement or list of referendum workers the results from the referendum election shall be invalidated by the Board of Elections.

Chapter 6

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Campaign Financing

Article I. Campaign Financing Guidelines

Section 600. Campaign Spending Limits

- A. The following are the maximum amounts that may be spent by the candidates, their campaign workers or other people on behalf of the candidates, for the following Student Government offices, including gratuities or services. A candidate will be automatically disqualified for exceeding their maximum spending limit by more than 10%.
- a. USG President - \$150.00
 - b. Carolina Athletic Association President - \$100.00
 - c. Residence Hall Association President - \$100.00
 - d. President and Vice President of the Rising Senior Class - \$50.00
 - e. Undergraduate Senate Members - \$15.00
 - f. Mr. or Ms. UNC - \$75.00
- B. If a candidate is involved in a run-off election, the following spending limits shall apply to the run-off stage of the election:
- a. USG President - \$75.00
 - b. Carolina Athletic Association President - \$50.00
 - c. Residence Hall Association President - \$50.00
 - d. President and Vice President of the Rising Senior Class - \$25.00
 - e. Undergraduate Senate Members - \$5.00
 - f. Mr. or Ms. UNC - \$25.00
- C. Running Mates. The spending limit is the total that may be spent together by running mates.

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- D. Write-In Candidates. The spending restrictions listed in this section shall also apply to all write-in candidates.
- E. Referenda Campaigns. A campaign for or against a referendum shall have a spending limit of \$100.00

Section 601. Campaign Expenditures

- A. Expenditures for Materials. All funds spent for campaign materials, shall be considered campaign expenses.
- B. Gratuitous Services. Time spent by campaign workers campaigning for or on behalf of a candidate under the auspices of this Act shall be considered campaign expenses, but only in the amount of money expended for services rendered. Volunteered services by duly registered fee-paying students of UNC-Chapel Hill shall not be considered campaign expenditures. All other services for or on behalf of any candidate under the auspices of this Act shall be deemed campaign expenditures.
- C. Evaluation of Goods and Services. If goods and services are given gratuitously or excessively below normal cost, the candidate shall submit to the Board of Elections a receipt for the goods or services provided but assess such expenditures, in regards to spending limits, at fair market value. The said assessment shall be subject to revision by the Board of Elections and deliberate erroneous assessments may be subject to penalty.
- D. Exceptions.
 - a. Endorsements publicized by Student Organizations. A candidate shall not be penalized in the instance that said candidacy is endorsed and that endorsement is publicized by recognized student organizations.
 - b. Any materials or funds expended for or on behalf of a candidate shall not be considered a campaign expense if used without the knowledge of the candidate or their campaign.

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- c. If the candidate obtains knowledge of a gratuity, service, or material that did not have their prior consent, the gratuity, service or material must be returned or officially declined within twenty-four (24) hours of their discovery of the expenditure or it will be deemed a campaign expenditure.
 - d. Officially Declining a Campaign Expenditure. To decline a campaign expenditure a candidate must, to the satisfaction of the Chair of the Board of Elections, make a strong effort to remove or nullify an expenditure that did not have their prior consent. The candidate shall be entitled to all possible assistance from the Board of Elections in their effort. If the candidate makes such an effort and cannot remove or nullify the expenditure, the Board of Elections may decide to not consider the expenditure a campaign expense.
- E. Any student who expends material, funds, or gratuitous services for or on behalf of a candidate without gaining candidate's prior consent shall be immediately served a cease and desist warning from the Board of Elections. Failure to cease and desist shall constitute a violation of this act and grounds for punitive action, including but not limited to notification of the USG Attorney General.
- F. Referenda Campaigns. All referendum campaigns that utilize students or resources funded by students must make all expenditures publicly available and must be submitted to the Board of Elections.

Section 602. Undergraduate Student Government Financing of Election Expenditures

- A. Undergraduate Student Government Financing. Any candidate whose name(s) shall appear on the ballot shall fund their campaign using only student government monies. Write-In candidates shall not be eligible for student government financing in regular elections, but may receive student government financing for a runoff. Referenda campaigns shall not be eligible for student government financing. Campaign spending limits and all other election laws shall apply to write-in candidates and referenda campaigns.

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- B. Eligibility for Undergraduate Student Government Financing. The following actions shall be required of a candidate in order to receive Undergraduate Student Government financing of their campaign:
- a. The candidate must attend all compulsory candidates' meetings, and/or complete the training mechanisms.
 - b. The candidate's campaign must submit an official declaration of candidacy before collecting petition signatures, due at the mandatory candidates' meeting.
 - c. The candidate's campaign must submit a petition with the required number of signatures to the Board of Elections by the dates specified in Title III Chapter 2.
 - d. The candidate's campaign receives enough write-in votes to warrant a run-off. The candidate may receive Undergraduate Student Government financing for the run-off election up to the campaign spending limit for run-off elections as defined in Title III Chapter 6 Section 600B only upon the submission of a written request for the SG funds and their financial statement as outlined in Title III Chapter 5 Section 505A.
- C. The candidate shall submit a financial statement to the Board of Elections as outlined in Title III Chapter 5 Section 505A.
- D. Campaign Reimbursements. Once a candidate has met the requirements in Title III, Section 600B, the Board of Elections Chair shall notify the USG Treasurer. The USG Treasurer shall then submit a reimbursement request from SC during subsequent appropriations after the election for the candidates seeking reimbursement. The funds will be allocated to the Board of Elections SAFO folder for this purpose. All campaign spending must adhere to the Financial Laws contained in Title V. The minimum check amount that SAFO can issue to a candidate or campaign shall be \$5.00.
- E. Additional Limitation on USG Campaign Funds. Undergraduate Student Government Campaign Funds shall be used solely for campaign expenditures. The Board of Elections shall have the authority to determine whether expenses are campaign expenditures.

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Section 603. Student Fees Used in Campaigns

Except for reimbursements as defined in Title III Chapter 6 Section 600, no money originating from student fees may be used for any campaign expenditure

Chapter 7

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Regulations and Prohibited Activities

Article I. Regulations and Prohibited Activities

Section 700. Prohibited Campaign Activities.

- A. Defacement of Campaign Materials. No person shall deface, destroy, alter or otherwise change any candidate's campaign materials before the election. No material of any candidate, unless in legally restricted areas, may be removed without the permission of the candidate. Materials in legally restricted areas may only be removed by members of and persons authorized by the Board of Elections. All campaign materials shall be considered the personal property of the campaign.
- B. Misrepresentation of an Election Issue. No person shall deliberately misrepresent any issue to be voted on by the Undergraduate Student Body in an election conducted under the auspices of this Act. Falsely defaming another campaign, including intentionally presenting falsities regarding the platform of another campaign, shall constitute misrepresentation of an election issue. Any misrepresentation resulting from intended satire shall not constitute such violation.
- C. Restricted Areas. The following shall not be used on behalf of any candidate or referendum:
- a. The Cubes (The Pit);
 - b. The interior of the Student Union and Student Union Annex;
 - c. The interior of the University Student Stores
 - d. The exterior of all campus buildings (whether by poster, projection, or other method);
 - e. The interior of all academic buildings;
 - f. The interior of all campus libraries;
 - g. The interior of all dining halls;
 - h. The interior of all campus residence halls;

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- i. The interior or exterior of all University or Chapel Hill Transit operated vehicles;
 - j. Within fifty (50) feet of a University-operated computer facility, and,
 - k. No candidate or referenda campaign can campaign by changing the wallpapers and/or homepages of University-owned computers.
- D. The private property of any individual who has not given prior consent. Note: Campaign meetings are allowed to take place in empty unreserved academic buildings, and personal residence.
- E. Damage to University Property. No campaign materials shall be placed on University property in such a way as to damage that property.
- F. Damage to Trees and Plants. No campaign materials may be placed on trees, shrubs, or other plants on the University campus.
- G. The Use of Incentives. No person or student organization may offer incentives of cash value to the solicitors of signatures for a petition or to the signers of a petition for the purpose of placing a candidate or referendum on the ballot. Coupons or vouchers redeemable for a good shall be considered to possess a cash value equal to the market price of that good. No student or student organization may use an incentive to persuade a student to vote.
- a. Food shall be defined as an incentive of cash value.
- H. No candidate for any office, other than the office of USG President, Residence Hall Association President, or Undergraduate Senate member in the District for which they are running shall participate in hallstorming, as defined.

Section 701. The Presence of Students on a Campaign.

All students are bound by the Student Code, and thereby bound by these regulations. The presence of any students within activities undertaken by unregulated organizations, such

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as University Institutions or Departments, shall require that said activity be regulated by the Board of Elections, and all laws passed by the Undergraduate Senate.

Section 702. Post-Election Removal of Materials.

All campaign materials must be removed from University property within ninety-six (96) hours after the close of the polls.

Section 703. Enforcement.

These regulations shall be subject to enforcement, and violations subject to punitive of action, by the Board of Elections and Student Supreme Court pursuant to Title III, Chapter 8, and by the Honor Court pursuant to the Instrument of Student Judicial Governance.

Chapter 8

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Enforcement Policy and Punitive Actions

Article I. Automatic Disqualifications

Section 800. Candidates Training and disqualification

The BOE will unilaterally disqualify a candidate without utilizing the BOE hearing process if:

1. The candidate fails to attend any mandatory candidate's meeting, or complete the online training mechanisms;
2. The candidate fails to submit a financial statement within the specified amount of time, including extensions if granted.

By a majority decision of the BOE, the BOE may decide to unilaterally disqualify a candidate using the BOE hearing process for harmful and malicious behavior, financial problems, and falsification.

Section 801. The Level System

- A. The BOE shall issue levels to campaigns and referendum campaigns in the final opinions of BOE hearings. The BOE shall reserve the ability to determine the severity of election violations to determine the final number of points issued to a candidate, within the specified limits, as stated below:
- B. Levels will be determined by the amount of points issued per hearing, as follows:
 - a. Level 1: 1-5 points
 - b. Level 2: 6-11 points
 - c. Level 3: 12-16 points
 - d. Level 4 (disqualification): 17 + points

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- C. Should a candidate reach Level 2, a Notice of Violation(s) shall be emailed by the Board of Elections to the student body regarding the campaign?
- D. Should a candidate reach Level 3, a Notice Of Violation(s) shall be emailed to the student body, and a Notice Of Violation(s) shall appear on the ballot regarding the campaign's or referenda's violations.
- E. Should a candidate reaches Level 4, they are automatically disqualified.
- F. If a referenda campaign in the pro-position reaches Level 4, the referendum shall be removed from the ballot. The referenda may still be introduced again after initiating and completing the entire referenda process over again.
- G. If a referenda campaign in the con-position reaches Level 4, then any student at the University of North Carolina at Chapel Hill who continues to campaign against the referendum shall be subject to an honor court violation for failure to abide by campus rules. Furthermore, the referenda contact may also be issued an honor court violation if they are found responsible for continuing or encouraging further election violations.
- H. The following election violations categories shall be used:
- Defacing school property. This category shall include, but shall not be limited to, placing campaign materials in unauthorized locations, ruining UNC property, destroying wildlife.
 - False Start. This category shall include, but shall not be limited to, beginning campaigning or collecting signatures before the official starting time.
 - Location. This category shall include, but not be limited to, campaigning in locations where you cannot campaign legally.
 - Technology. This category shall include, but not be limited to, campaigning online in illegal ways.
 - Falsification. This category shall include, but shall not be limited to, falsifying financial records, giving false information, and/or lying during hearings.

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- f. Financial Problems. This category shall include, but not limited to, spending more money than legally permitted.
 - g. Harmful or Malicious Behavior. This category shall include, but not limited to, intentionally ruining an opponent's campaign irreversibly or maliciously.
- I. The following points shall be assigned to election violations per category per offense. At the discretion of the majority opinion of the BOE, multiple violations of the same offense may be compiled into a single election violation.
- a. Not including the sponsorship message. 2 points
 - b. Defacing school property. 2 points.
 - c. False Start. 2 points.
 - d. Location. 3 points.
 - e. Technology. 2 points.
 - f. Falsification. 8 points.
 - g. Financial Problems. 10 points
 - h. Harmful or Malicious Behavior. 8 points.
 - i. Should the candidate commit a violation, or a supporter commits a violation that the candidate should be reasonably aware of, that doesn't carry the option of increasing the offense to Level 4 violation occur in the timeframe immediately surrounding the general election and/or run-off, the complaint shall be heard by the Supreme Court. The Supreme Court will then decide if the violation had the potential to alter the outcome of the election. If so decided, the Supreme Court holds the right to disqualify the candidate.
- J. A candidate or referenda campaign which receives a point or points, as issued within the final opinion of a BOE hearing, shall also have their/its maximum spending limit decreased. Each level shall correspond to a 10% decrease from the original maximum spending limit for a candidate or campaign.

Article II. Pre-Hearing Procedures

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Section 810. Election Complaints

- A. A BOE hearing shall commence after a plaintiff files an election complaint to the BOE against a candidate or referenda campaign.
- B. All complaints of violations of election regulations shall commence with a BOE hearing and be issued a final opinion of the BOE before such a complaint can be granted a pre-trial hearing and/or trial before the Student Supreme Court.
- C. The plaintiff must be a member of the constituency for the respective office of the candidate or referendum campaign in which the plaintiff is filing an election complaint against.
- D. Election complaints filed in the BOE shall contain in concise and clear language in separate, numbered paragraphs, with the following headings, the following:
 - a. The name of the plaintiff;
 - b. The respective constituency of the plaintiff;
 - c. The name of the defendant;
 - d. The respective category of the purported election violation;
 - e. A description of the defendant's purported election violation; and
 - f. Any evidence of the defendant's purported election violation.
- E. A complaint shall be signed by the plaintiff who shall indicate their address and telephone number, if any, and shall certify as follows, "I do affirm that I have read in full the foregoing complaint and that the allegations contained therein are true to the best of my knowledge and belief."
- F. A complaint submitted by a plaintiff represented by counsel shall also be signed by the counsel who shall indicate their address and telephone number, if any.

Section 811. Answers

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- A. The BOE shall issue a time and place of the BOE hearing, make public the official copy of the election complaint immediately, and present a copy of the election complaint to the defendant. The BOE hearing shall take place twenty-four (24) hours after the BOE provides a copy of the election violation complaint to the defendant.
- B. The defendant named in a complaint filed by the plaintiff is not obligated but maintains the right to file an answer to the BOE. Such answer must be filed within twenty-four (24) hours after the BOE provides the defendant with a copy of the election violation complaint. Should the defendant choose not to file an answer to a complaint they still must file a plea to the BOE within the same time.
- C. Answers to complaints filed to the BOE shall contain in concise and clear language in separate, numbered paragraphs with headings, the following contents:
1. The admission or denial of every allegation made in the complaint; and
 2. An allegation of any defense upon which the defendant relies.
- D. When preparing an answer, the defendant shall refer to the corresponding numbers of the paragraphs of the election complaint in which the allegations are made, and shall either:
1. Admit the allegation
 2. Admit the allegation in part, and deny it in part, specifying the part denied and the reason for denial;
 3. Admit the allegation, but request that the allegation be changed to a different punitive category; or,
 4. Deny, specifying the reason for denial.
- E. If a defendant is without knowledge or information sufficient to form a belief as to the truth of an allegation made in an election complaint, they shall so state, and this shall have the effect of a denial.
- F. Failure to answer all stipulated guidelines shall not be sufficient grounds to dismiss the answer.
- G. If the defendant fails to file an answer to the BOE within twenty-four hours, the Chair of the BOE:

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1. May grant him/her an extension of time in which to file the answer if the Chair determines that there were circumstances beyond the control of the defendant justifying the delay;
2. Shall assume that the defendant has chosen not to file an answer, upon the confirmation of the defendant's counsel.

H. The BOE shall immediately make public the official copy of the answer and provide a copy of an answer to the plaintiff before the hearing.

Section 812. Protections from Double Jeopardy and Self-Incrimination

- A. Defendants shall not be subject to multiple election violations of the same category pertaining to the same individual incident twice in which a final verdict has been issued unless specified by the Supreme Court. The Student Supreme Court shall have the sole discretion to bring forth the same violation twice.
- B. The provisions of the preceding subsection shall not prevent the hearing of an election complaint if there is evidence of new or newly discovered facts, or if there has been a material flaw regarding the issuance of a final verdict, which could affect the outcome of a complaint.
- C. Defendants shall not be required to serve as a witness in hearing proceedings against themselves in respect of the offense(s).

Article III. Hearing Procedures

Section 820. General Procedures

- A. At the issued time and place of the BOE hearing, the BOE hearing shall commence with or without the attendance of the plaintiff and/or the defendant. The Chair of the BOE retains the ability to reschedule the BOE hearing to a later time and/or different location.

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- B. The plaintiff shall have the right to present their argument against the defendant about the respective election violation.
- C. The defendant shall have the right to respond to any allegations against him/her.
- D. The plaintiff and defendant have the right to present witnesses to the BOE to defend their case.
- E. After the hearing, the BOE shall move into closed session to determine the final opinion of the BOE.

Article IV. Post-Hearing Procedures

Section 830. Punitive Actions against Candidates

- A. Within thirty-six (36) hours of the conclusion of a BOE hearing, the BOE shall issue a final opinion.
- B. The final opinion must have the consensus of at least the majority (50.01%) of the BOE members before being issued.
- C. The final opinion shall state:
 - 1. Any punitive decisions – specifically indicating the number of points – against a candidate or campaign;
 - 2. The rationale of the decision(s) of the majority opinion of the BOE;
 - 3. The names of BOE members casting their votes in the affirmative of the final opinion; and
 - 4. The names of BOE members casting their votes in the dissention of the final opinion.

Section 831. Appeals

- A. If the plaintiff or the defendant disagrees with the final opinion formed after the BOE hearing, they may appeal the decision of the BOE to the Student Supreme Court.

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- B. Such appeal must be issued within twenty-four (24) hours of the release of the final opinion of the BOE. If such appeal is not issued within such time constraints, then the decision of the BOE stands as binding and valid for the remainder of the election cycle.
- C. All Five (5) Justices of the Supreme Court shall receive a copy of the election complaint, the answer, the minutes of the BOE hearing, and the final opinion of the BOE before determining whether to appeal the ruling given in the final opinion of the BOE.
- D. A majority of the entire Supreme Court shall agree in the affirmative in order to consider the appeal before the Supreme Court of a ruling given in the final opinion of the BOE.
- E. If the Supreme Court votes to consider appealing a punitive decision as stated in the final opinion of the BOE, then the decision shall continue with the pre-trial process as described in Title VI, Chapter 7. The plaintiff / defendant from the BOE hearing who filed the appeal shall be the plaintiff of the Supreme Court trial process; the other respective individual shall be the defendant of the Supreme Court trial process.
- F. If the Supreme Court votes not to consider appealing a punitive decision within the final opinion of the BOE, then the decision as stated in the final opinion of the BOE shall stand as binding and valid for the remainder of the election cycle. Additionally, the Supreme Court shall reject all complaints from plaintiff / defendant about the same decision of the Board of Elections.

Done by the Undergraduate Senate on this 30 day of OCTOBER, 2017.

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WJ Speaker GA UGSBP

Katharine Shriver

Katharine Shriver

Speaker, 99th Undergraduate Senate

And made law on this 5 day of November, 2017.

Elizabeth Adkins

Elizabeth Adkins

Student Body President & USG President

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