

OSA Election Bylaws
Oshkosh Student Association
Oshkosh, WI
February 5, 2019

ARTICLE I. Scope

Section 1 Purpose

These bylaws shall govern the conduct and procedure of all elections for elected offices within the Oshkosh Student Association (OSA) and of all referenda conducted by the Oshkosh Student Association.

- 1.1 The open positions consist of the OSA President, Vice President, and 25 seats for the Senate body.
- 1.2 All candidates shall be bound by and subject to these bylaws.

Section 2 Definition for the purpose of the OSA Election Bylaws

- A. Candidate: an individual seeking an elected office within the Oshkosh Student Association.
- B. Campaign: any public activity or series of activities on behalf of a candidate meant to advertise and gain voters for the OSA election.
- C. Slate: Multiple candidates who are running together for a joint elected position.
- D. Political party: a recognized student organization that endorses candidates for multiple offices.
- E. Agent: an individual acting on behalf of a candidate with the candidate's knowledge.
- F. Actor: an individual acting in support of or opposition to a candidate without the specific knowledge of the candidate.
- G. Paraphernalia: any physical advertisement, flyer, poster, sticker, poster, handbill, button, or other item produced by a candidate or agent.
- H. Online Post: any advertisement, paid or unpaid, through a blog, website, e-mail, social media site, phone application like, but not limited to, Snapchat, Twitter, Facebook or other platforms created by a candidate or agent.
- I. Endorsement: a promotional statement or signature in support of a candidate.
- J. Referenda: a yes or no question relating to student life to be voted on by the student body.

ARTICLE II. Election Commission

Section 1 Members of the Election Commission

The Elections Commission shall be made up of a Commissioner, six (6) regular members and two (2) alternate members, appointed by the President and approved by the Senate and Assembly. All members must be students at UW Oshkosh. The Commissioner shall be appointed for a single election cycle and shall be compensated with a stipend of \$100 only after the final Election Report is completed. If there is no Commissioner by the end of the fall semester, the highest ranked non-returning member of the OSA executive board, as defined by order of appearance in the OSA Constitution Article V, shall by default be the Commissioner. If there are no members of the executive board that are both qualified and willing to accept the position, then the most senior Senator, as defined by length of service, becomes the Commissioner.

Section 2 Powers and Duties of the Commission

- 2.1 For each member to serve at least four (4) total hours at the polling location on the days of the Presidential election;
- 2.2 To consider and rule upon alleged violations of campaign rules;
- 2.3 To review the outcome of the vote;
- 2.4 To verify and approve the results of the vote and to adopt a final report for submission to the Senate; and
- 2.5 To review annually the elections bylaws.
- 2.6 To assist the Commissioner in investigating alleged violations of campaign rules.
- 2.7 To reinterpret the Commissioner's interpretations of these bylaws if they are decided to be improper. The Commissioner's interpretations may be overridden by a 50%+1 vote from the commission.

Section 3 The powers and duties of the Commissioner are, in addition to those of a member of the Commission, are:

- 3.1 To administer all Oshkosh Student Association elections;
- 3.2 To chair the Commission,
- 3.4 To verify the qualifications of candidates;
- 3.5 To interpret these bylaws;
- 3.6 To lead the investigations of alleged violations of campaign rules
- 3.7 To draft a final report for submission to the Elections Commission and the Senate
- 3.8 To ensure that all members of elections commission remain neutral
- 3.9 To ensure that all members of elections commission understand their duties and responsibilities in accordance to these bylaws;
- 3.10 To notify candidates of receipt and acceptance of election papers;
- 3.11 To inform candidates of interpretations of bylaws prior to the campaign period; and
- 3.12 To annually review and update as necessary statements of candidacy forms and bring any modifications before the Senate to review and approve prior to the campaign period.

Section 4 Meetings

- 4.1 Meetings shall be conducted under the following guidelines:
- 4.2 Meetings shall be held in accordance with Wisconsin's Open Meeting Law with at least twenty-four (24) hours' notice.
- 4.3 All meetings shall be open, except for the consideration of alleged violations of campaign rules or to review the outcome of the electronic vote.
- 4.4 Quorum shall consist of 50% + one (1) of the regular members.
 - 4.4.1 If a member does not perform his/her duties in accordance to Article II, Section 2 of these bylaws the Commissioner shall call for a vote to dismiss. Regular members must reach a simple majority for the member in question to not be dismissed. Regular members will be the majority. The member in question does not receive a vote.
 - 4.4.2 Meetings for the adoption of the Commission's final report to the Senate may be conducted via e-mail.
- 4.5 If the Commissioner or a member of the Commission formally declared their candidacy for office, he or she shall immediately forfeit their position.

Section 5 Resignations, Termination and Absences

5.2 The Commissioner may be removed – either by a three-fourths (3/4) vote of the Senate, omitting active candidates, and of the Elections Commission – only if there is clear and convincing evidence to demonstrate that he or she is:

5.1.1 Participating in any campaign activities, including on social media, or serving as an agent or actor of a campaign; or,

5.1.2 Engaging or attempting to engage in activities that would be a violation of the campaign rules, were they on behalf of the campaign; or,

5.1.3 Engaging or attempting to engage in activities designed to fraudulently alter the conduct or results of the election; or,

5.1.4 Divulging any sensitive information concerning any candidate to any party.

5.3 If a regular member vacates their position or is removed from the Commission, an alternate member shall immediately be chosen by the Commissioner to fill the open position. Otherwise, all vacancies, including that of the Commissioner, shall be filled as soon as possible by the president with the approval of the Senate.

ARTICLE III. Candidates

Section 1 Candidates

1.1 A candidate for office must meet the qualifications for that office, as established by the Constitution.

1.2 Candidates for President and Vice President must file for office jointly, and shall be listed together on the ballot, and are the only positions that can run as a slate.

1.3 Statements of candidacy shall be made available at noon (12:00 pm) on Monday, the second week of the spring semester, and shall be due at three o'clock in the afternoon (3:00pm) on the tenth (10th) class day prior to the election. A candidate must complete a statement of candidacy in order to be listed on the ballot.

1.4 Candidates must specify a treasurer; a candidate may be their own treasurer.

1.5 Write in candidates must meet the qualifications for office and shall be subject to Article 5 of these bylaws. A write-in candidate must receive at least fifty (50) votes for president and vice president, and twenty-five (25) for senators, the number that would have been required to be listed on the ballot for that position.

ARTICLE IV. Campaign Rules

Section 1 Common Set of Rules as delineated within these bylaws

1.1 Alleged violations of the rules of conduct listed in Article IV, Section 1.9 of these bylaws must be submitted by one or more students, to the Commissioner no later than Friday at noon (12:00pm) after the conclusion of the election.

1.2 The Commissioner, with the assistance of the members of the Commission, shall investigate each alleged violation and decide if it merits consideration by the Commission. An alleged violation rejected by the Commissioner may be taken up by a two-thirds (2/3) vote of the Commission.

1.3 The Commissioner shall make available the violations, omitting the personal information of those submitting violations, which will be considered to the candidates to whom they are concerned to allow time to gather evidence supporting and refuting such allegations.

1.4 The Commission shall hold a single open hearing, no later than a week after the election, at which point evidence supporting and refuting allegations shall be presented, and those alleging

and alleged may be questioned by the Commission. After the hearing is concluded, the Commission shall go into a closed meeting to consider each alleged violation.

1.5 In order for the Commission to find a candidate in violation, it must find clear and convincing evidence to demonstrate:

1.5.1 That an action is a violation of one or more rules listed in Article IV, Section 1.7 of these bylaws; and

1.5.2 That the action was taken by a candidate, or its agent or actor; and either

1.5.3 That the candidate had prior knowledge of the action, or

1.5.4 That the candidate did not have prior knowledge but did not remedy or attempt to remedy the action when requested to do so by the Commissioner or a member of the Commission within twenty-four (24) hours of being made aware of a violation.

1.6 Each violation of the rules of conduct shall be assigned a certain amount of points as outlined in Article IV, Section 1.7. Each slate or candidate starts with zero (0) points. If a candidate has more than half of their votes taken by violations, then they would be disqualified.

1.7 The rules of conduct are as follows:

1.7.1 The campaign period shall begin when statements of candidacy are submitted, in accordance with Article III, Section 1.3, to the Commissioner or the OSA Office Manager and concludes at the closing of the polls on the final day of the election. Campaigning before the campaign period is prohibited. Violators shall be given one (1) point per instance.

1.7.2 Paraphernalia must include a disclaimer of authorization and funding. Statements of campaigning by a candidate must clearly show the candidate or slate authorizing and paying for the paraphernalia. Candidates may use the abbreviated version of their slate name in this statement. Violators shall be given one (1) point per original item, not per copy.

1.7.2.1 Any student organization wishing to endorse and campaign on behalf of a candidate should notify the candidate of their intentions. All actions taken by the aforementioned organization will be subject to these bylaws and penalties herein shall be against the candidate whom they have endorsed.

1.7.3 No candidate may remove, destroy, deface, or relocate the paraphernalia of any other candidate. Violators shall be assessed six (6) points per damaged or removed item.

1.7.4 All candidates must abide by university solicitation and posting policies for all forms of paraphernalia, and the solicitation and posting policies of each building. Violators shall be given one (1) point for the first instance, and an additional 1 point for every four (4) additional violations after.

1.7.5 Slanderous, libelous, misleading or untrue statements against candidates or endorsers shall be prohibited. Violator must be shown to have either made the statement with malice, or with a reckless disregard for the truth. Violators shall be given four (4) points per instance.

1.7.6 No campaigning may take place within the OSA office, excluding online posts, nor may any OSA property and/or services be used, or attempt to be used for campaigning by any candidate. Violators shall be given 1 point per instance of the violation.

1.7.7 No in-person campaigning may take place inside of, or within fifty (50) radial feet of a public entrance of a polling place specified in Article V Section 1.3. This includes the

Student Involvement area, Reeve Union, Polk Library, and Blackhawk Commons while the election is taking place. Violators will be assessed two (2) points per instance.

1.7.8 On the days of the election, no paraphernalia may be distributed or hung inside polling places. This excludes paraphernalia that was hung before the election days but includes online posts. Violators will be assessed one (1) point per instance.

1.7.9 Any party violating campaign finance rules in Article V, Section 1.10–1.13 listed in shall be automatically disqualified.

1.8 Candidates are responsible for all campaign funding. No OSA or University funds may be used to campaign. All candidates must disclose all campaign expenditures using form EC-05 within one (1) week of the conclusion of the election.

1.9 A disqualified candidate shall be ineligible to assume office.

ARTICLE V. Elections

Section 1 Regular Elections for the President, Vice President and the Senate

1.1 Shall be held no earlier than the fifth (5th) week of the spring semester and no later than the ninth (9th) week.

1.2 In event of vacancies of the offices of president and vice president, a special election will be held under Article V, -2(B) (2) of the OSA Constitution.

1.3 Elections shall be held over a period of two (2) consecutive and uninterrupted class days. Regular elections shall take place over a Tuesday and Wednesday. The designated polling place will be inside Reeve Memorial Union Concourse; locations can be added if necessary. The electronic polls shall be open from eight o'clock a.m. (8:00am) Tuesday through eight o'clock p.m. (8:00pm) Tuesday; and from eight o'clock (8:00am) Wednesday through eight o'clock (8:00pm) Wednesday.

1.4 Polling locations within the polling places shall be staffed at the discretion and availability of the elections commission in accordance with Article V, Section 1.3.

1.5 No poll worker may display any paraphernalia while in a building with a polling location. Any poll worker violating these requirements shall be immediately dismissed.

1.6 A voter shall receive a ballot listing all of the offices and referenda he or she is eligible to vote for. A voter may cast one (1) vote for a President and Vice President slate, one (1) vote for or against each referendum question, and one vote for each individual Senator, allowing for up to twenty five (25) Senator votes total. If the previous stated guidelines are not met, and the voter attempts to cast numerous votes for the same candidate, the entire ballot shall be void.

1.7 A voter may write-in a vote for a President and Vice-Presidential slate, but must specify both a Presidential and Vice-Presidential candidate on the designated line to count as a valid vote.

Section 2 Votings

2.1 The Commission shall not review the electronic results of the election until the Commission has considered and, when appropriate, acted upon alleged violations of the campaign rules.

2.2 If there are fewer available seats than candidates, and multiple candidates for the Senate are tied with the fewest votes to elect them to office, the winner(s) shall be chosen by a runoff election held no less than five (5) and no more than nine (9) class days after the conclusion of the original election.

2.2.1 Only those candidates receiving the most votes shall be listed on the ballot, and no write-in votes shall be accepted. The campaign rules defined in Article IV, Section 1.9 of

these bylaws shall apply. If the result of the runoff election is a tie, the winners shall be chosen by a mathematically random method, such as flipping a coin or rolling a die, chosen by the Commissioner.

2.3 If multiple candidates for President and Vice President are tied with an equal number of votes there shall be a runoff election held no less than five (5) and no more than nine (9) class days after the conclusion of the original election.

2.3.1 Only those candidates receiving the two (2) equal numbers of total votes shall be listed on the ballot for the runoff, and no write-ins votes shall be accepted. The campaign rules defined in Article IV, Section 1.9 of these bylaws shall apply. The deadline for reporting financial expenditures defined in Article IV, Section 1.8 of these bylaws shall be extended to twenty-four (24) hours after the conclusion of the runoff election. If the result of the runoff election is a tie determined by an equal number of votes, the winners shall be chosen by a mathematically random method, such as flipping a coin or rolling a die, chosen by the Commissioner.

2.4 The Commissioner and a majority of the Commission must certify any count of votes before they are released.

2.5 The Commission shall submit a final report for approval by the Senate detailing the number of votes counted for each office and referendum, violations of the campaign rules and actions taken by the Commission as a result, and the results of the election. The report shall be presented to the Senate no later than two (2) weeks following the conclusion of the election.

2.6 The report shall take effect on after the swearing-in ceremony during the first week of May, at which time the candidates elected shall take office and the results of the referenda shall be made final. The report shall be accepted by the Senate through a formal resolution.

2.7 The Senate must either adopt the report in its entirety without amendment or refer it with comments back to the Commission. If the Senate refers the report back to the Commission, the Commission shall reconsider it within five (5) class days, taking the Senate's comments under consideration and amending it, if necessary, before re-submitting to the Senate. The Senate must then act on the report within two (2) class days; if it does not reject it by a three-fourths (3/4) vote within that time, it shall be adopted. If the Senate fails to act on the report within ten (10) class days of its initial presentation, it shall be adopted.

2.8 In the event that the Senate rejects the report of the commission, the report will go back to the Elections Commission.

Section 3 Referenda

3.1 Referenda must be held in conjunction with a regular election.

3.2 All referenda, except those held to ratify proposed amendments to the Constitution, those held as required by University, UW System or Board of Regents policy, and those held as a condition of approval for an action or proposed action by the Oshkosh Student Association, shall be advisory and nonbinding in nature.

3.3 For a referendum to be placed on the ballot, it must either be approved by the Senate and the Assembly at least ten (10) days in advance of the election, or submitted by petition.

3.4 A referendum must be phrased in such a way that a voter may cast a vote in favor of or against it. An action proposed by a referendum must be within the responsibilities or abilities of the Oshkosh Student Association.

3.5 To submit a referendum by petition, a student must submit the proposed question to the Senate at the same time statements of candidacy are due in accordance with Article 3, Section 1.3.

the Elections Commission will rule by majority vote within forty-eight (48) hours on whether or not the question is valid; if it is not, it will be returned to the submitter with comments, who will have forty-eight (48) hours to submit a revised question. Once the question is approved, the submitter must collect at least one hundred (100) valid signatures from enrolled students at least one (1) week in advance of the election in order for it to be placed on the ballot. If the question is approved, by the results of the election, the Senate and Assembly shall be required to take up the issue about which the referendum question regards as new business within two (2) meetings following the finalization of the results of the referendum.

Section 4 Adoption and Amendment

4.1 These bylaws shall be adopted upon receiving a two-thirds (2/3) vote of the Senate.

4.2 These bylaws may be amended at any time except between the release of statements of candidacy for an election and the adoption of the report of the Commission for that election by a two-thirds (2/3) vote of the Senate.