Election Bylaws
of the Oshkosh Student Association

Adopted February 10, 2004

1 Scope

1.1 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.

1.2 All candidates shall conduct themselves honorably, honestly and ethically, and be bound by and subject to these bylaws.

2 Definitions

2.1 For the purposes of these bylaws, the following terms shall be defined:

2.1.1 Candidate: an individual seeking an elected office within the Oshkosh Student Association.

2.1.2 Campaign: any public activity or series of activities on behalf of a candidate.

2.1.3 Slate: a group of candidates campaigning together by mutual agreement.

2.1.4 Political party: a recognized student organization that endorses candidates for multiple offices.

2.1.5 Agent: an individual acting on behalf of a candidate.

2.1.6 Actor: an individual acting in support of or opposition to a candidate, without the specific knowledge of that candidate.

2.1.7 Paraphernalia: any advertisement, flyer, handbill, button, sticker, blog, website, social media site or other item produced by or on behalf of a candidate.

2.1.8 Endorsement: a promotional statement or signature.

2.1.9 Referenda: a yes or no question relating to student life to be voted on by the student body.

3 Elections Commission

3.1 The Elections Commission shall be made up of a Commissioner, seven (7) regular members and two (2) alternate members, appointed by the President and approved by the Senate and Assembly. The Commissioner shall be appointed for a term of one (1) year; the regular and alternate members shall be appointed for a single election. If there is no Commissioner, by default it is the President of OSA.

3.2 The powers and duties of the members of the Commission are:

3.2.1 For each member to serve at least three (3) hours at the polls;

3.2.2 To consider and rule upon alleged violations of campaign rules;

3.2.3 To review the outcome of the electronic vote;

3.2.4 To adopt a final report for submission to the Senate; and

3.2.5 To review annually the elections bylaws.

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

3.3.1 To administer all Oshkosh Student Association elections;

3.3.2 To advise student organizations on conducting their own elections;
3.3.3 To chair the Commission;
3.3.4 To determine the number of seats in the Senate available to each college;
3.3.5 To designate a secretary, preferably the OSA Secretary, to assist in the administration of an election;
3.3.6 To verify the qualifications of candidates;
3.3.7 To interpret these bylaws;
3.3.8 To investigate alleged violations of campaign rules;
3.3.9 To assign points for violations of campaign rules, and declare a candidate assessed with a sufficient number of points under Section 5 of these bylaws to be disqualified;
3.3.10 To release the preliminary results of an election;
3.3.11 To draft a final report for submission to the Senate;
3.3.12 To verify, prior to opening of polls, that paraphernalia is not posted within prescribed limits as stated in Section 5.7.1 of these bylaws
3.3.13 To determine if posting of paraphernalia was deliberate or inadvertent, and take appropriate action;
3.3.14 To ensure that all members of elections commission remain neutral;
3.3.15 To ensure that all members of elections commission understand their duties and responsibilities;
3.3.16 To notify candidates of receipt and acceptance of election papers;
3.3.17 To inform candidates of interpretations of bylaws prior to the campaign period; and
3.3.18 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.

3.4 Meetings shall be conducted under the following guidelines:
3.4.1 Meetings must be held in accordance with Wisconsin's Open Meeting Law with at least twenty-four (24) hours' notice.
3.4.2 All meetings shall be open, except for the consideration of alleged violations of campaign rules or to review the outcome of the electronic vote.
3.4.3 Quorum shall consist of six (6) regular members.
3.4.4 If a regular member is or becomes absent from a meeting without being excused by the Commissioner, he or she shall immediately be removed from the Commission.
3.4.5 Meetings for the adoption of the Commission's final report to the Senate may be conducted via e-mail.

3.5 If the Commissioner or a member of the Commission formally declares their candidacy for office, he or she shall immediately forfeit their position.

3.6 The Commissioner or a member of the Commission may be removed from their position at any time by the President, except between the time statements of candidacy are made available for an election and the adoption of the Commission's final report; during that time, except as provided in 3.4.4, the Commissioner or a member of the Commission may be removed - either by a three-fourths (3/4) vote of the Senate, or by order of the Commissioner and a majority vote of the Senate - only if there is clear and convincing evidence to demonstrate that he or she is:

3.6.1 Participating in any campaign activities or serving as an agent or actor of a campaign;
3.6.2 Engaging or attempting to engage in activities that would be a violation of the campaign rules, were they on behalf of a campaign; or,
3.6.3 Engaging or attempting to engage in activities designed to fraudulently alter the conduct or results of the election; or,
3.6.4 Divulging any information concerning any candidate to any party.

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

4 Candidates

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

4.2 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.

4.3 A candidate for the Senate must state the college in which they are seeking office and must be enrolled in or have been admitted for the following semester to that college.

4.4 Statements of candidacy shall be made available at noon (12:00 p.m.) on Monday, the second week of the spring semester, and shall be due at three o'clock in the afternoon (3:00 p.m.) on the seventh (7th) class day prior to the election. A candidate must complete a statement of candidacy in order to be listed on the ballot.

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

4.6 Write-in candidates must meet the qualifications for office and shall be subject to Section 5 of these bylaws. A write-in candidate must receive at least as many votes as signatures required to be placed on the ballot for the office which they are being written in for. Write-in candidates receiving sufficient votes for office must be informed within twenty-four (24) hours of the election and must file statements of acceptance within forty-eight (48) hours of being so informed in order to take office.

5 Campaign Rules

5.1 All campaigns shall be held to a common set of rules.

5.2 Alleged violation(s) of the rules of conduct listed in Section 5.7 of these bylaws must be submitted by one or more students to the Commissioner or designated secretary as soon as practicable, but no later than forty hours (Friday noon) after the conclusion of the election.

5.3 The Commissioner 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.

5.4 The Commission shall hold a single open hearing, no earlier than forty (40) hours after the conclusion of the election, at which evidence supporting and refuting allegations shall be presented, and those alleging and alleged may be questioned by the Commission and each other. After the hearing is concluded, the Commission shall go into a closed meeting to consider each alleged violation.

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

5.5.1 That an action is a violation of one or more rules listed in Section 5.7 of these bylaws; and

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

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

5.5.2.2 That the candidate did not have prior knowledge but did not remedy or attempt to remedy the action within a reasonable period of time when made aware of it.

5.6 Each violation of the rules of conduct shall be assigned a specific number of points. A candidate accruing one hundred (100) points in violations shall be disqualified.

5.7 The rules of conduct are as follows:

5.7.1 The campaign period shall begin when statements of candidacy are made available and conclude at the closing of the polls on the final day of the election. Campaigning outside the campaign period is prohibited. Violators shall be assessed seventy-five (75) points.

5.7.2 Paraphernalia must include a disclaimer of authorization and funding. Statements must clearly show the candidate paying for the paraphernalia and the treasurer, and must be in at least eight-point (8 pt) type on items at least eight-and-one-half by five-and-one-half inches (8½ x 5½ in), or in at least six-point (6 pt) type otherwise. All disclaimers of authorization and funding need to be typed, handwriting is not allowed. Violators shall be assessed fifteen (15) points per original item (not per copy).

5.7.3 University computer labs may not be used to produce multiple copies of paraphernalia. Violators shall be assessed one (1) point per five (5) copies produced, and a charge of five cents ($0.05) per copy shall be assessed against their expenditure limit.

5.7.4 No candidate may remove, destroy, deface, or relocate the paraphernalia of any other candidate. Violators shall be assessed thirty (30) points.

5.7.5 All candidates must abide by university solicitation and posting policies and the solicitation and posting policies of each building. Violators shall be assessed twenty (20) points per violation. The same violation of the same policy occurring in multiple buildings shall be considered per building.

5.7.6 Slanderous, libelous, misleading or untrue statements shall be prohibited. Violators shall be assessed thirty-five (35) points per statement, unless they can demonstrate that the statement(s) are correct.

5.7.7 All endorsements must be given in writing by the endorser(s) and disclosed to the Commission prior to public use. Violators shall be assessed twenty (20) points.

5.7.8 No poll watcher registered under Section 6.4 of these bylaws may participate in any campaign or other activity, public or private, designed to influence one or more voters while the polls are open. Violators shall be assessed fifty (50) points and have the registrations of all their poll watchers revoked.

5.7.9 No campaigning may take place within fifty radial (50) feet of the front door or public entrance to the building of a polling location. . Violators shall be assessed fifteen (15) points per violation, but no more than forty-five (45) points may be assessed under this section.

5.7.10 No campaigning may take place within any OSA office, nor may any item paid for or individual employed by OSA be used by any candidate. Violators shall be assessed thirty (30) points.

5.7.11 No campaigning may take place within fifty radial (50) feet of front door or public entrance to the building of a polling location of a public university computer lab, or public computer station, to include the Student Leadership Involvement Center, Reeve Union, and Polk Library, while the election is taking place. Violators will be assessed twenty-five (25) points per violation.

5.7.12 On the days of the election, no active campaigning or distribution of campaign materials may occur inside the public polling locations. Violators will be assessed twenty-five (25) points per violation.

5.7.13 Any party violating campaign finance rules listed in 5.8 through 5.10 shall be assessed ninety-five (95) points.

5.8 Candidates for the Senate shall be limited to one hundred dollars ($100.00) in campaign expenditures. Candidates for President and Vice President shall be limited to five hundred dollars ($500.00) in campaign expenditures.

5.8.1 All donations shall be considered in like-kind and therefore limited to the stated spending limits.

5.8.2 Donations from third party interest groups will not be allowed.

5.9 Costs incurred in collecting evidence for alleging a violation of campaign rules shall be exempted from expenditure limits and reporting requirements:

5.10 All campaign expenditures for candidates on the ballot and write-in candidates must be reported within one (1) week of the conclusion of the election. Reports must include receipts for all expenditures, one (1) copy of each item of paraphernalia along with the number of copies produced for distribution, and descriptions of expenditures when appropriate.

5.11 A candidate for the Senate may waive the requirement to report expenditures if they agree to limit themselves to twenty dollars ($20.00). This limit may not be exceeded unless he or she rescinds the waiver in writing to the Commissioner. A candidate found to have exceeded this limit after waiving it shall be disqualified.

5.12 A candidate exceeding the expenditure limits, failing to file a report of expenditures, omitting expenditures from a report, or falsifying a report entirely or in part, shall be disqualified.

5.13 A candidate disqualified shall be ineligible to assume office.

6 Elections

6.1 Regular elections for the President, Vice President and the Senate shall be held no earlier than the sixth (6th) week of the spring semester and no later than the ninth (9th) week.

6.2 Special elections for the President and Vice President held under Article V, 2(B) (2) of the OSA Constitution shall be held at least twenty (20) class days after being called by the Senate.

6.3 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 places shall be inside In Reeve Memorial Union Concourse, the Student Recreation and Wellness Center, and Blackhawk Commons. The electronic polls shall be open from eight o’clock a.m. (8:00 a.m.) Tuesday, through eight o’clock p.m. (8:00 p.m.)

Tuesday; and from eight o'clock (8:00 a.m.) Wednesday, through eight o'clock (8:00 p.m.) Wednesday.

6.4 Each candidate may register up to three (3) students as poll watchers at least two (2) days in advance of the election. Poll watchers may observe the polls and record any alleged violations, but they may not speak with poll workers, and must remain at least ten (10) feet away from the polls at all times. No more than one (1) poll watcher may observe the polls at a given time.

6.5 No agent or actor in any campaign may serve as a poll worker, nor may a poll worker display any paraphernalia. Any poll worker violating these requirements shall be immediately dismissed.

6.6 A voter may cast one (1) vote for President and Vice President, one (1) vote for or against each referendum question, and as many votes for the Senators representing their college as there are seats available from that college, but they may vote only once for each individual candidate for the Senate. A voter shall receive a ballot listing all of the offices and referenda he or she is eligible to vote for. 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.

7 Voting

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

7.2 If multiple candidates for the Senate are tied with the fewest votes to elect them to office, and there are fewer available seats than candidates, 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. 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 Section 5.7 of these bylaws shall apply, and the deadline for reporting financial expenditures defined in Section 5.10 of these bylaws shall be extended to 12 hours after the conclusion of the runoff election. 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.

7.3 If multiple candidates for President and Vice President are tied with the most 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. 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 Section 5.7 of these bylaws shall apply, and the deadline for reporting financial expenditures defined in Section 5.10 of these bylaws shall be extended to 12 hours after the conclusion of the runoff election. 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.

7.4 The Commissioner and a majority of the Commission must certify any count of votes before it is released.

7.5 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 ten (10) class days following the conclusion of the election.

7.6 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 seventy-two (72) hours, taking the Senate's comments under consideration and amending it, if necessary, before resubmitting it 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.

7.7 In the event that the Senate rejects the report of the commission, a special committee shall be formed no more than twenty-four (24) hours following the conclusion of the Senate meeting where the report was rejected. The committee shall be chaired by the Elections Commissioner and will consist of six (6) additional members, two (2) members each from the Elections Commission and the Elections Bylaws Revision Committee, all selected by the Elections Commissioner, and two (2) senior members of the Senate not running for re-election, to be selected and voted on during the meeting in which the report is rejected. If the Senate does not select members for the committee by the conclusion of the Senate meeting, then the report of the commission shall be considered adopted.

7.8 The report shall take effect on a date specified in the report, but no later than ten (10) class days after its adoption, at which time the candidates elected shall take office and the results of any referenda shall be made final.

8 Referenda

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

8.2 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 non-binding in nature.

8.3 For a referendum to be placed on the ballot, it must either be approved by the Senate and the Assembly at least two (2) weeks in advance of the election, or submitted by petition. 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.

8.4 To submit a referendum by petition, a student must submit the proposed question to the Senate at least two (2) weeks in advance of the election. The Commissioner will rule within twenty-four (24) 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 five hundred (500) 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, the Senate and Assembly shall be required to take up the issue about which the referendum question regards as new business within six (6) meetings following the finalization of the results of the referendum.

8.5 A referendum regarding membership in an organization assessing a mandatory refundable fee shall be held in accordance with Board of Regents Policy Document 87-3. Any referendum which is required to be held under Policy Document 87-3 shall be held automatically, regardless of whether or not the Senate and the Assembly have approved it.

8.6 All referenda are subject to all campaign rules stated in Section 5 of these bylaws

9 Miscellaneous Provisions

9.1 The number of seats in the Senate available to each college shall be determined by the seventh (7th) day prior to the election. The proportion of seats available to each college shall reflect as closely as possible its proportion of enrollment, but each college shall have at least one (1) seat available.

10 Adoption and Amendment

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

10.2 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.

Revised and Passed by the OSA Senate

December 6th, 2011

December 4th, 2012