Constitution

Election Commission

Iowa State University

Last Modified on April 28th 2022

Table of Contents

Preamble……………………………………………………………………………………………………..2

Article I Membership and Organization……………………………………………………………………..2

Article II Attendance………………………………………………………………………………………...5

Article III Roles and Duties of the Election Commission…………………………………………………...6

Article IV Duties of Executive Officers……………………………………………………………………..7

Article V Standing Committees……………………………………………………………………………...9

Article IV Procedures of the Commission………………………………………………………………….10

Article VII Election Code…………………………………………………………………………………..10

Article VIII Procedures and Policies Applicable to all Elections…………………………………………..11

Article IX Procedures and Policies Applicable to the General Election…………………………………...13

Article X Finances………………………………………………………………………………………….15

Article XI Investigation and Enforcement of Election Law………………………………………………..16

Article XII Trademark……………………………………………………………………………………...21

Article XIII Impeachment…………………………………………………………………………………..21

Article XIV Amendments…………………………………………………………………………………..22

Article XV Statement of Compliance………………………………………………………………………22

Article XVI Non-Discrimination Statement………………………………………………………………..22

Article XVII Statement of Purpose…………………………………………………………………………22

# Preamble

*The mission of the Election Commission shall be the fair and proper administration of all elections of the Government.*

The Election Commission’s seeks to ensure that elections are:

DEMOCRATIC: by providing candidates ample time for campaigning and forums for debate

FAIR: through enforcement of STUDENT GOVERNMENT Election Law

EQUAL OPPORTUNITY: by informing students of the requirements and procedures to run

The Election Commission is an independent entity of the Iowa State University Student Government, tasked to moderate and promote the elections. The purpose of this constitution is to guide the Election Commission’s administrative processes.

# Article I. Membership and Organization

1. Student Organization Name
   1. The name of this organization shall be known as the Election Commission at Iowa State University.
2. Election Commission Membership
   1. The Commission shall be composed of no more than twelve regular voting members.
   2. The Commission shall have no more than four non-voting members.
   3. The Commission may have the following ex-officio positions available:
      1. Campaign Representative
      2. Campaign Manager
      3. Attorney General
3. Election Commission Membership Tenure
   1. Members of the Commission shall serve from time of appointment until resignation, removal, or until no longer enrolled as a student at Iowa State University.
4. Election Commission Membership Nomination
   1. Members are interviewed and nominated by the Election Commissioner.
      1. The Election Commissioner shall have the authority to delegate the task of interviewing candidates to a member of the Commission and present their recommendations.
      2. The Election Commissioner may request other members of the Commission to interview candidates jointly.
      3. The Supreme Court Chief Justice serves as an advisor to the Election Commissioner throughout the candidate interview and nomination process.
   2. The Student Government Senate appoints the members into the Election Commission by a 2/3 vote.
5. Election Commission Officer Positions
   1. Selection of Election Commissioner
      1. The Commissioner shall be nominated by the Supreme Court Chief Justice and approved by no less than 2/3 of the Student Government Senate.
   2. Selection of Vice Commissioner
      1. One member of the Commission shall be nominated by the Election Commissioner and be approved by a majority vote of the Election Commission to serve as Vice Commissioner.
      2. The Vice Commissioner’s selection shall require Senate approval by no less than 2/3 of the Student Government Senate.
   3. Selection of Treasurer
      1. One member of the Election Commission shall be nominated by the Election Commission and be approved by a majority vote of the Commission to serve as the Election Commission Treasurer.
      2. The Treasurer’s selection shall not require Senate approval.
   4. Selection of Secretary
      1. One member of the Election Commission shall be nominated by the Election Commission and be approved by a majority vote of the Commission to serve as the Election Commission Secretary.
      2. The Secretary’s selection shall not require Senate approval.
   5. Selection of Public Relations Committee Chairperson
      1. One member of the Election Commission shall be nominated by the Election Commission and be approved by a majority vote of the Commission to serve as the Election Commission Public Relations Committee Chairperson.
      2. The Chair’s selection shall not require Senate approval.
   6. Selection of Debate Committee Chairperson
      1. One member of the Election Commission shall be nominated by the Election Commission and be approved by a majority vote of the Commission to serve as the Election Commission Debate Chairperson.
      2. The Chair’s selection shall not require Senate approval.
6. Officer Requirements
   1. The officers of this organization must meet the following requirements
      1. Be enrolled and in good standing with the university. If an undergraduate, must at least be a half time student (six or more credit hours) during the term of office. If a graduate level, must at least be a half time student, unless fewer credits are required in the final stages of their degree as defined by the Continuous Registration Requirement, during their term of office.
      2. Have a minimum cumulative grade point average of 2.00 and meet that minimum grade point average in the semester immediately prior to the election/appointment, the semester of election/appointment, and semesters during the term of office. In order for this provision to be met, at least six hours (half-time credits) must have been taken for the semester under consideration.
   2. A student will be ineligible to hold office should the student fail to maintain the requirements prescribed.
7. Executive Officer Elections
   1. An election shall occur annually. The date of the election shall occur no later than the sixth week of the Fall semester. Executive officers shall serve for one calendar year or until the next elections for Election Commission executive officers. Tenure of office shall occur consecutively.
   2. A special election shall be held in the event of a vacancy of office and the individual shall serve for the rest of the term.
8. Special Duties
9. Election Commission members shall be assigned to and serve as a liaison to senatorial candidates. The Election Commissioner shall serve as a liaison to executive slates. Liaisons shall have the following duties:
   1. Shall act as a resource to candidates and/or slates
   2. Shall communicate and inform their candidates and/or slates of any relevant information
   3. Shall answer any and all inquiries from candidates and/or slates
   4. Shall document and approve of campaign forms submitted by the candidate and/or slate such as but not limited to endorsement sheets.
   5. Shall inform the candidate and/or slate if any campaign form has been rejected or approved. If their form has been rejected, the liaison must state the reasoning for it being rejected.
10. Campaigns and their representatives are considered as part of the Election Commission in order to gain Trademark and P-card permissions.
    1. The “Campaign Representative,” and anyone else involved in the campaign of an executive slate, shall be non-voting members of Election Commission.
11. The Attorney General shall serve as an ex-officio non-voting member of the Election Commission. Their duties are outlined in the Student Government Bylaws.
12. Impeachment of Executive Officers and Sub-Committee Members
    1. Articles of Impeachment
       1. In the event that an individual fails to meet the qualifications of office, including but not limited to misfeasance, malfeasance, or nonfeasance. Any voting member of the Election Commission may bring forth articles of impeachment toward an executive officer of the Commission, excluding the Election Commissioner or Vice Commissioner.
          1. Malfeasance, misfeasance, or nonfeasance of duties shall be grounds for disciplinary action.
          2. “Malfeasance” shall be defined as wrongdoing by a member of Student Government.
          3. “Misfeasance” shall be defined as a wrongful exercise of lawful authority.
          4. “Nonfeasance” shall be defined as failure to perform an act that is required by Government Law.
       2. Upon the occurrence of malfeasance, misfeasance, or nonfeasance, the Election Commissioner shall contact the individual in question to discuss the alleged breach of Government Law or their duties outlined in the Election Commission Constitution.
       3. In the event of a malfeasance or misfeasance, the Election Commissioner or Vice Commissioner shall hold investigative hearings to discuss the alleged breach. The investigator, upon completing the investigation, may put forth a recommendation of action to the Election Commission.
    2. Impeachment Hearing
       1. The Election Commission shall hold a hearing to investigate the charges introduced in any article of impeachment reported to or by the Election Commission.
          1. The committee may compel the attendance of any member of the government, except the investigated party without their consent, who they find necessary for the purposes of the investigation. Failure to appear shall be considered a severe malfeasance of duty.
          2. The investigator shall recommend to the Election Commission how to dispose of each proposed article of impeachment including any amendments that they shall recommend.
       2. The Election Commission shall debate and vote separately on each article of impeachment, even when proposed within a single motion. The total debate time on an article of impeachment shall not be limited, but only by a motion to limit debate or call the previous question. Each article must be approved by a majority of seated members of the Election Commission.
       3. If an Article of Impeachment is passed, the Election Commission shall immediately vote to do either of the following actions:
          1. Remove the Election Commission member from their executive or subcommittee position, which would require a two-thirds vote of seated members.
          2. Censure the Election Commission member, which would require a simple majority vote of seated members.
       4. If an Election Commission member is removed from their position, they will remain a member of the Election Commission. The Senate reserves the sole right to impeach individuals from the Election Commission and must be conducted in accordance with the Student Government Constitution and Bylaws.
13. Censuring of the Election Commissioner or Vice Commissioner
    1. Any voting member of the Election Commission may bring forth a censure resolution toward the Election Commissioner or the Vice Commissioner. The censure resolution shall outline the grievance in question. The resolution shall be placed on the next regular meeting agenda. Censure resolutions shall only require a simple majority of seated members.
    2. Should the resolution pass, the Secretary or a designee chosen by members of the Election Commission shall send copies of the resolution to the Supreme Court Chief Justice, Speaker of the Senate, Vice Speaker of the Senate, Student Body President and Vice President.

# Article II Attendance

1. In order to be considered an excused absence, the member must notify the Election Commissioner at least 8 hours prior to the meeting or otherwise must be considered a part of a serious situation. Reference the Election Commission Handbook for recommendations on excused and unexcused absences.
2. Disciplinary Action
   1. Unexcused absences
      1. Two unexcused absences will result in a verbal warning.
      2. Three unexcused absences shall be considered for removal.
   2. Excused absences
      1. Three excused absences will result in a verbal warning.
      2. Five excused absences shall be considered for removal.
3. Notification of absence with an excused reasoning will not count if the meeting is scheduled as a special meeting so long as advance notice is given. Advanced notice shall be defined as 2 or more hours.
4. Absences will not accumulate from one academic year to the next.
5. The Election Commissioner and the Election Commission Secretary shall track all absences.
6. The Election Commission shall have the authority to author recommendations of impeachment of its members to the Senate in accordance with Article XIII of the Election Commission Constitution.

# Article III Roles and Duties of Election Commission

1. The Commission as a whole shall
   1. Have the authority to promulgate additional rules and procedures within the guidelines of Government Law to address specific situations that may arise during any elections
      1. Such rules and procedures shall expire upon the certification of the results for the said election
   2. Have the authority to investigate all possible violations of Government Election Law, including Chapters 10 and 11 of the Bylaws, the Election Code, and any additional rules and procedures promulgated by the Election Commission.
   3. Have the authority to hold hearings in regard to possible violations of Government Election Law
   4. Have the authority to impose penalties in regard to found violations of Government Election Law
   5. Recommend to the Senate Rules Committee changes in Government Law to improve election procedures and policies
   6. Apportion the seats on the senate between the various constituencies using the previous Fall Semester registration numbers from the Registrar’s office, barring preemptive known changes.
   7. Submit to the Speaker, who shall author a bill for the Senate’s consideration “apportionment for the next Senate Term” no less than three Senate meetings prior to the end of the Fall Semester.
      1. The Senate, by majority vote, may refer apportionment back to the Election Commission with recommendations for alterations to the total population figures and apportioned Senate seats if evidence for such an alteration is presented.
      2. The Election Commission shall publish on the SG website the number of seats apportioned to each constituency during the first week of the Spring Semester.
   8. Publicly announce the “General Election Timeline” prior to the end of the Fall Semester, which shall include a minimum of the following:
      1. The date of the start of the general election cycle, beyond which no changes to any election law shall be made until the certification of the results for that general election
      2. Candidate seminar date
      3. The deadline for registering as an official candidate
      4. The candidate petition, referenda, and student initiative deadline(s).
      5. The date of candidate ballot positioning
      6. The financial disclosure deadline.
      7. Polling days and times.
      8. The date and time of the preliminary announcement of the election results.
   9. Publicly announce a “Special Election Timeline” within forty-eight hours of a request for a special election
      1. The announcement of a special election shall indicate the start of a special election cycle, beyond which no changes to any election law shall take effect until the certification of the results for that special election.
      2. In the case of a recall election or an election to fill the positions of President and Vice President, the commission shall establish
         1. The deadline for Registering as an official candidate
         2. The candidate petition deadline
         3. The date of candidate ballot positioning
         4. The financial disclosure deadline
         5. Polling days and times
         6. The date and time of the preliminary announcement of the election results
   10. Be available to students interesting in seeking office and/or interested in petitioning for initiative(s)

# Article IV Duties of the Executive Officers

## Election Commissioner

* 1. Shall act as the official representative of the Election Commission unless otherwise designated by the Election Commissioner or the Commission
  2. Shall serve as the chair of the Election Commission and shall only vote in the event that the Commission is equally divided
  3. Shall call meetings of the Commission as they deem necessary
  4. Shall appoint a member of the Commission to act as a liaison to each candidate seeking office and each student petitioning for an initiative(s) or constitutional amendment(s)
  5. Shall create such subcommittees as they deem necessary or at the request of the Commission
     1. Shall appoint members of said subcommittees
  6. Shall sign such letters or documents as are necessary to carry out the will of the Commission
  7. Shall work directly with the Computation Center representative managing electronic ballots
  8. Shall exclusively control the results of all elections as defined in this act and hold them confidential for a period of at least twenty-four hours following the close of the last polling place
  9. The General Election results shall be announced publicly within forty-eight hours of the polls closing
     1. The Election Commissioner will attempt to arrange a public announcement with campus media and make digital copies of the results available following the public announcement
  10. Shall lead all investigations into possible violations of Government Election Law and delegate full or partial responsibility for such investigations to another member of the Election Commission

## Vice Commissioner

* 1. Shall directly assist the Election Commissioner in the operation of the Commission
  2. Shall assist the Election Commission in presenting the final Election Code
  3. Shall assume the duties of the chair in the absence of or conflict of interest of the Election Commissioner
  4. Shall assist in scheduling violation hearings and special meetings.
  5. Shall assist in all investigations that may lead to possible violations of Government Election Law and delegate full or partial responsibility for such investigations to another member of the Election Commission.
  6. Chair violation hearings
  7. Assume the duties and responsibilities of the Election Commissioner upon extended absence as interim Election Commissioner
  8. Assume the duties and responsibilities of the Election Commissioner upon extended absence, resignation, or removal under the title of Interim Election Commissioner
  9. Help minimize potential risks for club activities
  10. Recommend risk management policies or procedures
  11. Submit documentation to ISU’s Risk Management Office

## Election Commission Treasurer

1. Shall handle expenses made by Election Commission and monitor purchases made by Election Commission, candidates, and slates
2. Shall monitor the Election Commission’s account balance and provide account balance updates to Election Commission members as necessary
3. Shall serve as the Election Commission’s Chief of Staff and administer special duties outlined in the Election Commission Handbook
4. Shall draft a budget for the next fiscal year during the Student Government Annual Allocation Process
5. Shall schedule meetings rooms for all meetings of the Commission
6. Shall specify necessary finance reporting and set up procedures to verify these reports for executive slate and candidates
7. Shall enforce candidate and slate campaign spending limits
8. Shall define and declare valid and invalid campaign expenses
9. Shall allow each executive slate one p-card
10. Shall validate purchases made by the p-card holders
11. Shall collect, review and submit executive slate balances before campaigning begins as indicated on the election timeline
12. Shall enforce financial penalties in accordance with the Election Code
13. Ensure accurate and complete financial reporting of candidate and slates financial disclosures

## Election Commission Secretary

* 1. Be responsible for taking minutes at all meetings of the Commission
  2. Present a typed or electronic copy of the meeting minutes to the Election Commission prior to the next general meeting. Such minutes shall be reviewed and can be approved by the Commission at the following meeting after which they shall be made available by request
  3. Shall take the minutes of executive sessions and record the meeting. These minutes must be shared only within the Election Commission unless requested by the Supreme Court.
  4. Shall assist the Treasurer in scheduling of meetings rooms for all meetings of the Commission
  5. In the absence of the Secretary, another member of the Election Commission shall temporarily take on the role of Secretary.

## Election Commission Advisor

* 1. The Election Commission shall appoint the Election Commission Advisor. The Election Commission shall appoint no more than three advisors and have no less than one.
  2. The advisors of the Election Commission will also be the Student Government Advisor throughout their employment. Filling a temporary vacancy in the position will be decided by the Election Commission and Memorial Union Student Engagement.
  3. The Advisor’s duties shall be
     1. Attend Election Commission at the request of the Election Commissioner unless prior notice of conflict has been given, or attend said meetings as the Advisor(s) sees fit, unless prior notice of conflict.
     2. Provide advice to the Election Commission as necessary
     3. Submit a transition document providing suggestions and advice on any aspects of Election Commission upon the end of their term or vacancy of office
     4. Act as a liaison with the University Administration and in any other situation where a non-student spokesperson is needed
     5. Maintain confidentiality on any information given or when advice is sought, except where violation of law or university policy is an issue
     6. Review approval expenditures, p-card purchases, trademark, and campaign material
  4. The advisor may not show bias during elections and cannot endorse any slates running in the election.
  5. Advisors can be removed by an affirmative 2/3rds vote of voting Election Commission members.

# Article V Standing Committees

1. The Election Commission shall consist of three standing committees.
2. Violations Committee
   1. The Violations Committee shall serve to screen violation complaints and call violation hearings
   2. The committee reserves the right to impose injunctions and cease and desist orders on candidates and slates.
   3. The Violations Committee shall be chaired by the Vice Commissioner.
      1. The Vice Commissioner, when chairing the Violations Committee, will not have a vote unless in the event of a tie.
   4. The Violations Committee shall enforce non-financial penalties associated with rule breaking in accordance with the Election Code.
   5. A maximum of five Election Commission members shall sit on the Violations Committee.
3. Public Relations Committee
   1. Shall work with the Student Government Public Relations Committee and Civic Engagement Committee to:
      1. Encourage students to apply to be a member of the Election Commission.
      2. Encourage students to run for office.
      3. Encourage students to vote in Student Government Elections.
      4. Market the Presidential and Vice Presidential debates.
   2. Shall publish all proposed initiatives, referenda, and constitutional amendments in the Iowa State Daily prior to the first polling day of any election
   3. The Public Relations Committee will not do outreach for or with a specific slate
   4. Shall gather necessary material for the informational sessions to inform candidates
   5. Shall create a packet of important documents for the candidates
   6. Shall ensure that each candidate went to an informational session through the means of recording students names, ID number, and Net ID
4. Debate Committee
   1. Shall work with the Election Commission Treasurer to reserve rooms for the Student Government Presidential and Vice Presidential Debates.
   2. Shall inform the candidates of the dates and locations of the debates.
   3. Shall inform the candidates about the debate rules.
   4. Shall inform the candidates of the general debate topics no later than forty-eight (48) hours before the debates.
   5. Shall identify at least two impartial moderators for the debates.
   6. Shall collaborate with the impartial moderators in moderating these debates.
   7. Shall create questions to ask each candidate.
   8. Shall determine and create an intermission for the debates if necessary.
   9. Shall seek student input for questions directed to the candidates.

# Article VI Procedures of the Commission

1. The Election Commission and all of its subcommittees shall conduct all meetings in accordance with the current edition of Robert’s Rules of Order Newly Revised, unless special rules are delineated in these Bylaws.

## Quorum of the Commission

* 1. Quorum of the Commission shall consist of a majority of the voting members of the Commission.
  2. The Election Commissioner can raise a non-voting member to a voting member temporarily within a meeting to meet the quorum requirement.
  3. All members of the Commission, except when serving as chair, may make motions and participate in debate during Commission meetings.
     1. In the event that a Commission member assumes the duties of the chair, they give up all voting rights, except in the event that the Commission is equally divided.
  4. The Commission may adopt additional operating procedures to ensure fairness and efficiency in the Commission’s proceedings.
  5. If a special meeting is needed the Election Commissioner or Vice Commissioner reserves the right to call such meeting given that:
     1. There is 48 hours notice outside of the Election Season
     2. There is 24 hours notice during the Election Season
     3. There is an absolute emergency

# Article VII Election Code

1. The Student Government shall establish an Election Code which shall contain the provisions of Student Government Law that directly regulates candidate and student behavior in regards to government elections.
2. The Election Commission shall annually review the Election Code and shall present the proposed revisions to the Speaker of the Senate or a confirmation of review, no fewer than two meetings prior to the end of the Fall semester. Upon receipt, the Speaker of the Senate shall author a bill to amend the standing Election Code, pursuant to a two-thirds vote of the present senators.
3. The Election Code shall establish a penalty structure for violations of the rules set forth in this act, the Election Code, and other rules and procedures established by the Election Commission.
4. If a student is found to have committed an extreme malicious violation of Election Law, they shall be ineligible to hold the seat until the next general election.
   1. When a Senate contest is voided due to extreme malicious violation of Election Law, it shall be considered a vacant seat.
   2. When the President and Vice President positions are voided due to extreme malicious violation of Election Law, there shall be a special election.

# Article VIII Procedures and Policies Applicable to all Elections

## Registered Member Defined

* 1. Senate Residency Seat Requirements
     1. A registered member shall be defined as a student who currently lives in the area for the position sought for or a student who can produce documentation of proof of intent on living within the area for the position sought before the election and must be living in that area on the first day of the second session.
  2. Senate College Seat Requirements
     1. For Senate college seats, a registered member shall be defined as a student whose primary major falls in the college for which the seat is in.
  3. Election Commission Member Restrictions
     1. No member of the Election Commission shall seek office in any election supervised by the Election Commission during the time period from their confirmation by the senate until the certification of results of said election.

## Voter Rights

* 1. All currently enrolled students shall be eligible to vote in any Government election.
  2. All students shall be eligible to vote for the positions of President and Vice President and any University-wide referendum, initiative or constitutional amendment.
  3. Students shall have as many votes as there are open seats for their respective college and residence area senators.
  4. Students shall be eligible to vote only for senators in their respective college and residence area.
  5. Students shall be eligible to vote for any additional offices that are designated by, and in accordance with, Government Law.

## Tabulation of Votes

* 1. The Computation Center shall provide to the Election Commission a total for all individual items on the ballot and a list of all write-in votes by constituency and by the President and Vice President.
  2. The Computation Center shall tabulate all of the write-in candidates and group together names that are obviously the same individual per constituency and President and Vice President.
  3. Fictitious candidates and candidates not legally qualified to serve shall be disqualified before the certification of votes.
  4. Referenda and initiatives shall be tabulated by “yes” and “no”. All referenda and initiatives shall require a majority vote to be approved with the exception of Constitutional amendments.
  5. President and Vice President votes shall be tabulated by candidacy and elected by plurality.
  6. Persons receiving the highest number of votes equal to the number of seats open in a constituency shall be determined the winners of Senate races.
  7. The Election Commission shall review the votes of any ballot item if the margin is within one (1) percent.
  8. In the event of a tie for President and Vice President, the Election Commission shall hold a run-off election with only the tied candidates participating. Such an election shall be conducted as a special election under Government Law.
  9. In the event of a tie for a Senate seat, the constituency council for that seat shall determine the method by which the tie shall be broken.
  10. The Election Commission shall withhold the preliminary results of any election for a minimum of twenty-four hours after the close of polling for that election.
  11. The Election Commissioner, Vice Commissioner, and Election Commission Secretary shall certify the final results of any election within seven (7) class days after the last day of polling for that election. The SG Advisor shall sign the report containing the certification.

## Eligibility and Ballots

* 1. The Student Government Advisor shall notarize the report containing the certification.
  2. Any election contestations alleging violations of Government election law on the part of the Election Commission shall be filed with the Supreme Court within twenty-four hours of the close of the last polling place.
  3. Ballot positioning for all SG elections shall be determined by a method of chance.
  4. A valid signature on any petition for candidate, slate, initiative or referendum shall include a student’s printed name, ISU Student ID number, and signature.
  5. A student may sign any number of petitions in a given election but can sign a particular petition only once.

## Initiatives and Referendum Elections

* 1. Any initiative or referendum, whether on a separate ballot or the same ballot as some other general or special election constitutes a separate election. Votes in such an election shall be tabulated independently of all other elections.
  2. Students wishing to sponsor an initiative shall submit a request to obtain a customized petition form from the Election Commission containing the proposed ballot question exactly as it will appear on the ballot.
  3. The Election Commission shall publish all proposed initiatives and referenda in the Iowa State Daily prior to the first polling day of any election.
  4. The Election Commission shall provide to the Computation Center all information to be included on the ballot by the agreed-upon date, beyond which no changes to the ballot shall be made.
  5. The Election Commission shall allow a minimum of one week from the time of the announcement of the special election to the first day of polling for campaigning.

1. Certification Process
   1. The Election Commission shall hold a special meeting to certify the election results in accordance with the bylaws.
   2. During certification, the Election Commission shall individually review each race and make the necessary amendments to reflect accuracy of tabulation and qualifications for office. The Election Commission shall vote to confirm each race by a majority vote of the Commission.
   3. After all races have been confirmed, the Election Commission shall vote to certify the election results by a roll call vote, and be approved by a majority of Commission.

# Article IX Procedures and Policies Applicable to the General Election

1. The Election Commission shall hold a minimum of three candidate seminars to assist and inform students wishing to run for office.
   1. If a candidate cannot attend one of the scheduled seminars, they may fulfill this requirement by contacting the Election Commissioner no later than twenty-four hours prior to the deadline for petitions.
2. Petitions
   1. The Election Commission shall provide a standard petition form for students seeking office at least two weeks before the petitioning deadline.
   2. Students wishing to be placed on the ballot as candidates for President and Vice President shall have their petition signed by no fewer than 750 registered Iowa State University students.
   3. Students wishing to be placed on the ballot as candidates for President and Vice President and fund their campaign through Student Activity Fees (Also known as the public funding option) shall have their petition signed by no fewer than 750 registered Iowa State University students.
3. Students wishing to be placed on the ballot as candidates for President and Vice President must follow the financial restrictions stated within the Election Code.
4. The Election Commission shall sponsor a minimum of two public debates for the Presidential and Vice Presidential candidates.
5. The Election Commission shall provide to the Computation Center all information to be included on the ballot by the agreed-upon date, beyond which no changes to the ballot shall be made.
6. The Election Commission may provide the Computation Center with information about candidate infractions up until twenty-four hours before the first day of polling.
7. Procedures and Policies Applicable to Special Elections
   1. A special election shall be held when called for under the provisions of the Constitution or in the case of a tie between Presidential and Vice Presidential executive slate candidates during a general election.
   2. A special election may consist of a recall election, an election to fill the positions of President and Vice President, an initiative election, or a referenda election.
   3. Recall elections and elections to fill the Positions of President and Vice President
      1. A recall election shall be held upon receipt of a petition signed by ten percent of the students of that constituency or nine students of that constituency, whichever is greater.
      2. Members of the Election Commission shall individually assist students wishing to run for office.
8. The Presidential and Vice Presidential Debates
   1. The Election Commission shall host a minimum of two debates each election cycle. One for the slates running for Vice-President and one for the slates running for President
   2. Structure of the Debates
      1. The amount of time allocated to opening remarks shall be no shorter than ninety (90) seconds.
      2. The amount of time allocated to answering questions shall be no shorter than sixty (60) seconds.
         1. If asked a follow up question, the slate will be allowed forty-five (45) seconds to respond.
      3. The slates shall be allowed to rebut at any point except for the opening and closing statements.
         1. The slate must ask the moderator first permission to rebut.
         2. The amount of time allocated to rebuttal shall be no shorter than forty-five (45) seconds.
      4. The amount of time allocated to closing remarks shall be no shorter than ninety (90) seconds.
      5. The time structures may be adjusted at any point by the majority vote from the Debates committee.
      6. The debate committee shall determine whether an intermission shall take place in any of the debates.
      7. The ordering of the questions may be random if there are three or more slates partaking in the debate. If there are only two slates, the ordering must alter between the slates.
   3. The debaters shall be allowed a notebook and pen at their podiums.
   4. Regulations of the Debates
      1. Students shall be allowed to submit questions, whether that is in person or through submission on an online form.
         1. It shall be the Debate Committee’s duty to sift through questions submitted online.
         2. The moderators shall ask these audience questions during the debates.
         3. Questions must be appropriate to be considered.
         4. Posters and flyers in the audience shall be no larger than 8.5x11in.
         5. The campaigns are not allowed to disseminate physical campaign material at the location of the debates (in example: passing out flyers).
         6. The moderators reserve the right to remind the audience members of the regulations and rules. If an audience member, after an initial warning, does not comply, they may be asked to leave.
      2. The Debate Committee shall promulgate additional rules for the debates as necessary by a majority vote of the committee.
   5. The debates shall be live streamed.
   6. Prior to the debates, the debate committee shall organize a script including the questions, topics and time allocated to the respective parts. This script shall only be available to the moderators, the Debate Committee, members of the Commission, and the Election Commissioner.
   7. Impartial Moderator Defined and their Duties
      1. An impartial moderator(s) shall be an individual who is unbiased and impartial to the campaigns running in the Student Government elections.
      2. The impartial moderators role shall be to moderate the presidential and vice presidential debates.
      3. They shall enforce all debate rules as dictated in this constitution and as promulgated by the Debate Committee.
      4. They shall ask questions and follow up questions to the slates during the debates.
   8. There shall be no fewer than two members of the Election Commission who will be assigned the task of keeping track of time.
   9. The slates shall be able to come in earlier to test their microphones.
   10. Podiums shall be on a first come first serve basis unless stated otherwise.
   11. The Debate Committee shall request an ISU law enforcement officer(s) to be present at the debates.

# Article X Finances

1. Organization Finance Policies
2. All monies belonging to this organization shall be deposited and disbursed through an account established through the organization at the Campus Organizations Accounting Office (COA) and/or approved institutions/office and must receive authorization via COA. All funds must be deposited within 48 hours after collection. The advisor to this organization must approve and sign each expenditure before payment.
3. The Election Commission shall approve the budget drafted by the Treasurer by a majority vote before it is submitted to the Student Government Annual Allocations process.
4. The Election Commission Treasurer will maintain records of campaign expenditures.
5. The Election Commissioner may act as a secondary check to ensure accuracy of all records.
6. No membership dues shall exist.
7. Election Campaign Finance Policies
8. The Election Campaigns shall follow the rules dictated in the Election Code and rules set by University policy, Student Government bylaws and Priorities and Criteria.
9. Slates and candidates will provide the Election Commission Treasurer with copies of receipts of all purchases made for campaigning purposes.

# Article XI Investigation and Enforcement of Election Law

## Submission of a Violation Complaint

## Parties wanting to report a potential violation such as a student, group of students, student organization or by the Attorney General, shall complete a Violation Submission Form.

## The Violations Submission Form shall be filed with the Election Commission by submitting to the Violations Committee.

## Initiation of Violation Investigation

## Hearings pertaining to alleged violations of Election Law shall be heard by the Election Commission, and initiated when written communication in the form of a Violation Submission Form is received by the Violations Committee from a student, group of students, student organization or by the Attorney General. Written communication must identify the Plaintiff, the Defendant, and a description of the circumstances.

## The Election Commission and its members shall have the ability to submit written communications detailing alleged violations should the organization or any of its members become aware of wrongdoing or evidence thereof.

## Upon receiving an alleged violation, the Election Commissioner, Vice Commissioner and the Attorney shall begin an informal investigation into the alleged violation. Concurrently, the Election Commission Violations Committee shall review the written communication and process the complaint.

## In the event of an allegation of wrongdoing or evidence thereof, the Violations Committee may, by majority vote, order the investigation of the allegation or evidence.

## Upon review of the violation complaint, members of the Violations Committee shall begin to forward motions to act on the complaint. Voting on the proposed motions shall occur through an electronic method or if deemed necessary, in a Violations Committee meeting with the final vote count recorded internally. The individual who motions for an action shall schedule an acceptable voting period on the matter to initiate an investigation and or violations hearing. There should be little to no discussion on the merits of the alleged violations. Should the need for discussion arise, it shall be limited to questions of procedure and whether more information is needed to make an informed decision on the question to initiate a formal investigation and to hold a violation hearing.

## The Violations Committee, by a majority vote, may decide to hold hearings into the possible violation. If the need arises, the Election Commission shall have the authority to decide to hold a violation hearing.

* 1. The Violations Committee shall have the authority to propose the motion of initiating a formal investigation and holding a violations hearing, jointly in a single motion.
  2. Should the Violations Committee decide to divide the question of initiating a formal investigation from the question of holding a violation hearing it shall have the authority to do so, and hold a separate vote for each question. Voting shall occur through an electronic method or if deemed necessary, in a Violations Committee meeting(s) with the final vote count recorded internally.
  3. The Attorney General, Election Commissioner, Vice Commissioner or investigator(s), shall be empowered to conduct informal investigations of any alleged violations prior to the Election Commission Violation Committee voting to initiate a formal investigation and hold a violation hearing.

## The Election Commissioner and Vice Commissioner shall be in charge of dispersing evidence to the Commission as necessary, when deciding to hold a hearing on a possible violation.

## The Violations Committee shall be notified should an informal investigation be opened, and provided regular updates on the progress of the investigation as demanded by the committee or deemed necessary by the investigator(s).

## The Violations Committee shall be notified should an informal investigation be closed and the committee shall be provided with all evidence gathered through such investigation.

## Injunctions & Orders to Cease and Desist

## The Violations Committee, Election Commissioner, Vice Commissioner and Attorney General, separately or jointly, shall have the authority to send cease-and-desist letters to individuals and groups pertaining to the alleged violations.

## The Election Commissioner, Vice Commissioner and the Violations Committee, separately or jointly, shall have the authority to issue injunctions to prohibit or require actions of an individual or group in the event that any of the following conditions arise:

## The integrity of the elections process may be compromised.

## The integrity of free and or fair elections may be compromised.

## The integrity of the student body may be compromised.

## The integrity of the Student Government may be compromised.

## The integrity of a proceeding of the Election Commission may be compromised.

## The actions or potential actions may be illegal.

## Possible injunction actions could include but are not limited to; requiring a campaign to suspend dissemination of campaign material and or electronic marketing.

## Subpoena Powers

* 1. The Election Commission shall have the authority to order records, testimony, and information applicable to the alleged violation to be forfeited to the Election Commission from any party. Relevant information may be used in an investigation and or violation hearing. Failure to comply with the Election Commission’s behest may result in a violation hearing subject to penalty.
  2. The Election Commission reserves the right, if needed, to require a campaign to suspend dissemination of campaign material or electronic marketing.

1. Formal Investigations and Violation Hearing
   1. Upon the initiation of a formal investigation by the Violations Committee, the committee shall notify the Election Commissioner, Vice Commissioner and Attorney General to begin a formal investigation into the alleged violation.
   2. The Election Commissioner, Vice Commissioner, and Attorney General shall initiate a formal investigation upon receiving the Violations Committee’s order. In the event the Attorney General decides to not move forward with a formal investigation; they must notify the Election Commission within 24 hours upon receiving the order from the Violations Committee. Should the Attorney General refuse to begin a formal investigation into the alleged violation, they must submit to the Election Commission a brief of reasonings to their decisions.
   3. Upon the Attorney General’s decision not to prosecute the violation complaint, the Election Commission shall continue to proceed in holding a violations hearing in which the Election Commissioner or Vice Commissioner must present the evidence gathered through the joint investigation. During the presentation of evidence the Election Commissioner and or Vice Commissioner is not allowed to put forward an opinion regarding actions the Election Commission should take on the violation complaint. Should the Vice Commissioner present the case to the Election Commission during a violation hearing, they shall relinquish the duties of chairing the said violation hearing, voting rights and speaking privileges for the duration of the case.
   4. Initially, the candidates for President and Vice President shall be investigated jointly. An investigation of the candidates for President and Vice President may be narrowed to one particular candidate if the evidence suggests that the other had no knowledge of the alleged wrongdoing. Candidates for Senator or other students shall be investigated individually.
   5. Upon the initiation of a violations hearing by the Election Commission Violations Committee, the Vice-Commissioner shall notify, through written communication, both the respondent and the petitioner of a violation hearing at least forty-eight (48) hours prior to any violation hearings. Notification shall include a brief description of circumstances and include evidence to be heard during the trial.
   6. The Election Commission Violations Committee shall have the authority to hold a special violation hearing with less than forty-eight (48) hours notice if both the plaintiff and respondent agree to waive their right to proper notice of forty-eight (48) hours.
2. Violations Hearings
   1. A violation hearing is an official proceeding of the Election Commission in which adjudication of election code violation allegations take place. The full Election Commission is called to preside over the proceedings. Violation Hearings consist of five parts: describing the alleged violation and evidence thereof, testimony of the respondent, questions from the Election Commission, executive/closed session and adjudication.
   2. The Election Commission shall have the authority to hold and adjudicate violation hearings in-absentia of any involved individual(s) and or group(s).
   3. The Election Commissioner, Vice Commissioner, Attorney General or investigator(s) and the respondents shall have a maximum of 20 minutes to present their case. The Election Commission reserves the right to extend the time to present as it deems appropriate, however there shall be equal time awarded to both the respondent and the Election Commissioner, Vice Commissioner, Attorney General or investigator(s).
   4. The Election Commissioner, Vice Commissioner, Attorney General and/or investigator(s) shall have the authority to call witnesses or subpoena individuals relevant to the investigation.
   5. The Vice Commissioner shall be the chair of the Violations Hearing, unless delegated to another member of the Election Commission by either the Election Commissioner, Vice-Commissioner or the Election Commission Violations Committee.
   6. The Violations Hearing chairperson will begin the proceedings by calling the violations hearing to order and introducing the respondent(s), and/or witnesses involved in the alleged violation(s) to the Commission’s members. The Election Commissioner, Vice Commissioner, Attorney General or investigator(s) will then ask for recognition from the chairperson to present and provide evidence of the alleged violation, the chairperson would then allow them the floor to speak and present.
   7. Once the Election Commissioner, Vice Commissioner, Attorney General or investigator(s) has yielded the floor, the chairperson will then recognize the floor to the respondent(s) for their testimony. The Election Commissioner, Vice Commissioner, Attorney General, investigator(s) and or witnesses will then be subjected to any questions the Election Commission may have in regards to the allegation.
   8. Respondent(s) will have a set period of time as previously determined to testify and call their own witnesses. The respondent(s) and/or witnesses will then be subjected to any questions the commission may have in regards to the allegation.
   9. After the Commission has completed questioning of the respondent(s), a member of the Commission will have the option of motioning to call the meeting into executive/closed session in accordance with Iowa Open Meeting Open Records Act.
   10. Possible clauses that could be utilized but not limited to include:
       1. 21.5 Closed Session - Clause C “To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.”
       2. 21.5 Closed Session - Clause G “To avoid disclosure of specific law enforcement matters, such as current or proposed investigations, inspection or auditing techniques or schedules, which if disclosed would enable law violators to avoid detection.”
       3. 21.5 Closed Session - Clause H “To avoid disclosure of specific law enforcement matters, such as allowable tolerances or criteria for the selection, prosecution, or settlement of cases, which if disclosed would facilitate disregard of requirements imposed by law.”
       4. All final votes on violations shall be conducted outside of executive session and shall require a majority vote of the Commission
       5. Final voting on violations must occur outside of executive session
       6. Following Iowa Code, The Election Commission Secretary, unless the responsibility is delegated onto another member, shall record the minutes of the executive session.
   11. If a second has been made to move into executive/closed session, the Election Commission would debate and then proceed to vote. If the motion passes to call the meeting into executive session; the respondent(s), witnesses, and spectators are required to leave the meeting room to wait outside while executive deliberation occurs. During this time, it is asked that the respondent(s) stay close to the meeting room area and to not wander off for extended periods of time while the Election Commission is in executive session. The Election Commission members during this time shall deliberate amongst themselves to determine whether a violation has occurred.
   12. Should the Election Commission either choose not to go into executive/closed session or the motion to enter into executive/closed session fails, deliberation should occur in open session.
   13. After deliberation in a closed/executive session, a voting Election Commission member will motion to end the executive/closed session, if the motion is seconded, debate and then a vote shall occur. If the motion to end the executive session passes, a voting member of the commission will open the meeting room door and announce that the executive session has ended, and the meeting is now in open session. All parties are then allowed back into the meeting room, and the meeting will resume once the chairperson calls the meeting back to order for adjudication.
   14. Should deliberation occur during open session, the Election Commission shall move into adjudication after its members determine that further deliberation is unnecessary.
   15. Adjudication will begin with a voting member of the commission motioning to impose a violation onto the respondent(s), if the motion is seconded, debate and then a vote shall occur. Multiple motions to impose violations can be made during this period should there be multiple alleged violations being adjudicated or additional violations discovered through the violation hearing proceedings.
   16. If a motion(s) to impose a violation fails, the respondent(s) has been deemed not guilty in committing that particular alleged violation and is free to leave the meeting if no other alleged violations regarding the respondent(s) are being adjudicated.
   17. If necessary, a voting member of the Election Commission may motion to go into executive/closed session, in accordance with Iowa Open Meeting Open Records Act, to deliberate possible penalties after motions to impose violations have ceased, if seconded, debate and then a vote will occur. If the motion passes, the meeting will go into executive/closed session and follow the procedures of reopening into open session as outlined previously.
   18. Should the Election Commission either choose not to go into executive/closed session or the motion to enter into executive/closed session fails, deliberation of possible penalties shall occur in open session, deliberation should begin once motions to impose violations have ceased.
   19. Imposing of violation penalties will begin with a voting member of the commission motioning to impose a penalty or penalties onto the respondent(s) for a specific violation, if the motion is seconded, debate and then a vote shall occur. Multiple motions to impose penalties can be made during this period.
   20. If a motion to impose a specific penalty is seconded, a debate will occur, followed by a vote. If passed, the penalized party will be notified, in writing as Findings of Fact, of the penalty amount, justification and terms of payment within twenty-four (24) hours of the decision of the Election Commission. The penalized party will also be provided instructions for appeal to the Student Government Supreme Court that should be sent along with the Findings of Fact document. Notification of penalty amount, justification, and terms of payment can be collated into one document should there be multiple penalties and or violations that were adjudicated during the violation hearing proceedings.
       1. *Findings of Fact*. A Findings of Fact shall be created detailing the decisions of the Election Commission during the Election Commission hearing and documenting vote totals made during the hearing. Upon approval, the Findings of Fact shall be publicly available and sent to the Petitioner, Respondent, and the Supreme Court.
       2. *Instructions for Appeal*. The Election Commission shall provide the Petitioner and Respondent instructions on how to appeal Election Violation hearing outcomes within twenty-four (24) hours of the decision. Instructions shall include contact information for the Chief Justice.
   21. To end the violation hearing, a voting member of the commission will motion to end the proceeding. If seconded, the motion to end the violation hearing will be debated and then put toward a vote. If the motion fails, debate continues. If the motion passes, the meeting is adjourned.
3. Rights of the Respondent
   1. The respondent and, if applicable, the complainant shall be notified within twenty-four (24) hours of the decision to hold a hearing.
   2. The hearing itself shall not be held earlier than forty-eight (48) hours after the initial notification unless the respondent would like to waive this right.
   3. At the time of notification, evidence shall also be presented to the complaint(s).
   4. The respondent may call witnesses and present evidence as is necessary to present their case. All witnesses are subject to questions by the Commission.
   5. The guilty party shall be notified within twenty-four (24) hours, in writing, of the violation and the procedure for appealing the decision.

## Special Violation Procedures

* 1. The Election Commission may call witnesses, including the accused, for the purpose of obtaining additional information.
  2. If the Commission suspects that the violation also violated the Student Disciplinary Regulations, or any applicable local, state or federal law, the Dean of Students Office shall be notified.

## Enforcement of Penalties

* 1. If the Commission has found that a violation has occurred the Commission shall determine an appropriate penalty in accordance with the penalty schedule established in the Election Code.
  2. The penalized party shall be notified, in writing, of the penalty amount, justification and terms of payment within twenty-four hours of the decision of the Election Commission.
  3. Campaigns, if found guilty, must permanently suspend the dissemination of the campaign material that was found of a violation and make corrective actions. Election Commission shall prescribe corrective action to the campaign in regards to their violation. There may also be punitive action taken.

# Article XII Trademark

1. The Election Commission and Iowa State University Trademark provides affiliated permissions to Election Commission members, slates, candidates and other relevant parties.
2. Permissions include the following
   1. Utilization of the Iowa State University emails
   2. Usage of ISU and Iowa State University names
   3. Usage of permitted ISU marks
   4. Any links to voting in the election or other election material
3. An Election Code stamp may be available to campaigns to use for campaign materials. This stamp shall adhere to the regulations described in the Election Code and Iowa State University Trademark Policy.
4. The Election Commission and campaigns must follow Iowa State University Trademark Policy.

# Article XIII Impeachment

1. The power to impeach and remove any member of the Election Commission shall be vested in the Student Government Senate.
2. Grounds for impeachment shall include the following
   1. Malfeasance of duty
   2. Misfeasance of duty
   3. Nonfeasance of duty
3. Election Commission members shall have the authority to advise Student Government Senators to initiate an impeachment hearing.
   1. The Election Commission shall have the authority to bring forth recommendations of impeachment by a majority vote of seated members.
   2. The Election Commissioner and Vice Commissioner shall have the authority to bring forth recommendations of impeachment.
4. A majority vote of the Senate shall be required to begin impeachment hearings.
5. An affirmative two thirds vote of seated senators shall be required to convict and remove any member of the Election Commission.
   1. Judgements in all cases of an impeachment carried out by this article shall not exceed removal from office and prevention of holding any further Student Government or Election Commission office.
   2. Determination of disallowance to hold further office in Election Commission or Student Government must be described in the motion leading to the passing vote to convict and remove.
6. Any process to impeach any Election Commission members as outlined in the Student Government bylaws shall be adhered to in addition to all those described in the Election Commission Constitution.

# Article XIV Amendments

1. Amendments to this constitution can be brought forth by any voting Election Commission member.
2. Amendments require a 2/3rds vote of seated Commission members.
3. Amendments will be submitted by the Election Commissioner or President within two business days of the vote.

# Article XV Statement of Compliance

1. The Election Commission abides by and supports established Iowa State University policies, State and Federal Laws and follows local ordinances and regulations.
2. The Election Commission agrees to annually complete President’s and Treasurer’s Training.

# Article XVI Non-Discrimination Statement

1. Iowa State University and Election Commission do not discriminate on the basis of genetic information, pregnancy, physical or mental disability, race, ethnicity, sex, color, religion, national origin, age, marital status, sexual orientation, gender identity, or status as a U.S Veteran.

# Article XVII Statement of Purpose

1. The Election Commission’s purpose is to regulate and moderate Student Government elections and enforce the campaign policies found in the Election Code, and shall act as an unbiased governing body to said elections.
2. The Election Commission seeks out opportunities to ensure that Student Government elections are fair and equal.
3. The Election Commission works to promote student engagement within Student Government elections.
4. The Election Commission is affiliated to the Iowa State University Student Government.