

**B F2019.06**

**An Amendment to the Eighteenth Chapter of the Bylaws to Establish an Internal Appeals Process**

*A bill for the consideration of the College of Literature, Science, and the Arts Student Government*

October 23, 2019

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**Whereas**, the mission of the College of Literature, Science, and the Arts Student Government (hereafter LSA SG) is to “actively seek the voices of LSA students and advocate their interests to improve academic and non-academic life”;<sup>1</sup> and,

**Whereas**, LSA SG utilizes its Bylaws to structure and facilitate official business, and recognizes the need for amendments to the Bylaws to improve its function and reflect current practices; and,

**Whereas**, LSA SG elects representatives twice a year, and an executive ticket once a year; and,

**Whereas**, Election Director Nicholas Fadanelli and Assistant Election Director Nicholas Martire (hereafter the previous Election Directors) issued an extensive report following the Winter 2019 election in which they suggested changes to the current rules regarding elections and campaigning; and,

**Whereas**, referencing recommendation number 3<sup>2</sup>, 4<sup>3</sup>, and 21<sup>4</sup> in the section labeled “Election Code Issues and Potential Solutions” from the Winter 2019 Election Director Report shows that the previous Election Directors state that an internal review process is necessary, “...because it removes discerning intent from the election directors’ judgement and implements a buffer between LSA SG election code violation punitive decisions and CSJ, which has been known to issue strange and problematic rulings.”<sup>5</sup>; and,

**Whereas**, the creation of an Internal Appeals Process for the Fall 2019 semester election is important to introduce before concerning Executive Tickets elections in the Winter 2020 semester; and,

**Whereas**, the creation of an Internal Appeals Process of Election Director decisions on demerits and punishments for candidates and non-candidates would be able to be discussed by the government taking into account the appeals by the candidate and non-candidate, and the circumstances outside the Elections Director’s purview.

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<sup>1</sup> The Constitution of the College of Literature, Science, and the Arts Student Government. Article II

<sup>2</sup> [W19 Election Director Report, pg 33](#)

<sup>3</sup> W19 Election Director Report, pg 34

<sup>4</sup> W19 Election Director Report, pg 38

<sup>5</sup> W19 Election Director Report, pg 35

**Be it therefore resolved,** an Internal Appeals Process will be created for both candidates and non-candidates to challenge the Election Director's decision on demerits and/or punishments ; and,

**Be it further resolved,** cases starting from the beginning of the Winter 2019 semester will be open to The Internal Appeals Process for Non-Candidates; and,

**Be it further resolved,** LSA SG will ensure that the candidates for the Fall 2019 Election will be made aware of the immediate changes before the campaign period of the Fall 2019 Election; and,

**Be it finally resolved,** LSA SG shall adhere to these Bylaw amendments, and they shall take effect immediately.

**LSA SG Election Code  
Campaign Period Rules**

18.06.00 **Implication of incumbency.** Only candidates previously elected to LSA SG may use the words "re-elect" or any other words implying incumbency; however, previously appointed representatives may use the words "retain" or "re-seat."

18.06.01 **Use of name in advertising.** Any individual in the election who uses the name of any student organization in advertising must secure and retain permission from the appropriate governing board and membership of the organization. Written permission signed by an appropriate official of the organization must be filed with the LSA SG Election Director. Under no circumstances may any individual running for a seat in the LSA SG election use the name of any CSG political party in advertising.

18.06.02 **Openness in campaigning.** All campaign materials must indicate the official source of the piece of campaign material. *No person may campaign and no campaign literature may be posted in any computing site.*

*18.06.03 Campaigning in Computing Sites. No person may campaign and no campaign literature may be posted in any computing site.*

18.06.0~~3~~<sup>4</sup> **Destruction of campaign materials.** No person under the jurisdiction of this election code shall, during the election campaign, engage in the destruction, defacement, removal, alteration, or transportation of posted campaign materials without the permission of the candidate they pertain to.

18.06.0~~4~~<sup>5</sup> **Posting.** Campaign materials may be affixed or anchored to various surfaces in the following manner:

- a) Rope, twine, or string may be used on any surface.
- b) Thumbtacks and staples may be used on bulletin boards but not on any other wooden surfaces.
- c) Masking tape or blue painter's tape may be used on any surface.
- d) Vinyl plastic bumper sticker material may be used on non-wooden surfaces.
- e) No other adhesive or anchoring material may be used under any other circumstances.
- f) Candidates must adhere to University policies as to the posting of posters and handbills.

18.06.0~~5~~<sup>6</sup> **Prohibited Areas.**

- a) No campaign materials shall be affixed to any glass or painted surface in or on any University building, except in designated posting areas.
- b) There is no campaigning in the LSA SG Office or during LSA SG General Meetings.

18.06.07 **Defacement.** No campaign material shall be affixed to any surface that would be permanently and seriously damaged by the campaign material or the material used to affix or attach the campaign material.

18.06.08 **Rights of Access.** Candidates for LSA SG Representative, LSA SG President, LSA SG Vice-President, any other LSA sponsored election or seekers for any LSA referendum petition, shall have the same rights as any candidate for elected office as per University Housing's guidelines. Any candidate campaigning within any housing unit after 12 AM will be guilty of a minor violation. University Housing must grant or deny the same rights of access to all candidates running in the election.

18.06.09 **Proper Use of Email Privileges.** A candidate can only send emails to email groups that are owned by the candidate as defined by "mcommunity.umich.edu." and are created expressly for campaign purposes, during the current election cycle. The email group name must clearly indicate that it is a campaign related email group. Candidates and campaign volunteers are prohibited from harvesting student email addresses for campaign purposes.

#### 18.06.10 **Campaign Finance Regulations.**

- a) Candidates for Representative shall be allowed to spend up to \$50 on their campaign. The Presidential and Vice Presidential Slate shall be allowed to spend up to \$250 for their campaign.
- b) Prohibited Donors. Any non-candidate is forbidden from donating to campaigns.
- c) Report of Expenditures. The Election Director will be responsible for ensuring that candidates report their spending. The Election Director shall have discretion over the mechanism in which they require candidate expenditure reports.

#### **Voting Period Rules**

18.07.00 **Termination of Campaign period.** At 11:59 PM on the night before the voting period begins, all campaigning shall be terminated. This subsection applies to and includes but is not limited to verbal communication, social networking, texting, email messages, and canvassing in which a candidate promotes, or asks others to promote their candidacy.

18.07.01 **Government promotion.** Candidates may disseminate an approved LSA SG election message sent directly from the Election Director using social networking. Media messages created by candidates may encourage voting in the election but may not mention any particular candidates.

18.07.02 **Speaking.** Every candidate may speak on behalf of the election or answer questions about whether or not a student is running in the election when prompted during the voting period. The candidate may not promote their own candidacy when answering questions pertaining to the election.

#### **Violations and Penalties**

18.08.00 **Violations of Election Code.** Violations to the Election Code are divided into three categories with varying levels of severity. If a violation is not specifically listed in Section 18.08.01-03, it is up to the discretion of the Election Director to determine the categorization of the violation.

18.08.01 **Minor Violations.** Candidates will receive one demerit for each Minor Violation. Minor violations shall constitute the following:

- (a) An unexcused absence from a required event, such as the Candidates Meeting, a General Meeting prior to the election, and/or the Candidates Forum
- (b) Posting in a prohibited area, or by a prohibited fashion, as defined in Section 18.06.04-07
- (c) Implying an elected incumbency status that a candidate does not have, as defined in Section 18.06.00
- (d) Campaigning in any residence hall after 12 AM as stated in Section 18.06.08
- (e) Not denoting the official source of campaign material(s) as stated in Section 18.06.02
- (f) Violation of Section 18.06.09 with email listservs containing 1-100 members

18.08.02 **Major violations.** Candidates will receive three demerits for each Major Violation. Major violations shall constitute the following:

- (a) Destruction of another candidate's campaign materials, as defined in Section 18.06.03
- (b) Campaigning during the voting period
- (c) Campaign Finance Violation as defined in Section 18.06.10
- (d) Deception in advertising, which shall be defined as breaking any of the guidelines for advertising set forth in Section 18.06.00-01
- (e) Misrepresentation of Endorsement. Using the name of a student organization that a candidate does not have permission to use Section 18.06.01
- (f) Violation of Section 18.06.09 with email listservs containing 101-399 members
- (g) Parties: If the Election Director feels that a candidate has explicitly or subtly joined a party, they

may reach out to them and ask them to cease and desist all references to this party within 24 hours. If the candidate cannot remove all notices to a party within 24 hours due to extenuating circumstances, they must inform the Election Director. Should the candidate not cease and desist within the designated time, a major violation should be applied.

**18.08.03 Egregious Violations.** Candidates will receive four demerits for each Egregious Violation.

Egregious violations shall constitute the following:

- (a) Preventing an eligible voter from voting in any manner
- (b) Bribery. No candidate may promise or offer compensation, monetary or otherwise, in exchange for vote(s). Campaign pledges shall not constitute violations of this rule. The distribution of campaign material to voters shall not constitute a violation of this rule
- (c) Violation of Section 18.06.09 with email listservs containing more than 400 members

**18.08.04 Exclusivity of Campaign Rules.** No single piece of campaign material may violate more than one campaign rule. All campaign rules shall be mutually exclusive. No candidate may be in violation of more than one campaign rule for a single act.

**18.08.05 Interpreting procedures.** In interpreting these procedures, it shall be the policy of LSA SG to encourage the active and free dissemination of materials relating to LSA SG and that all rules shall be construed liberally in favor of free and open communication and debate. The purpose of the rules and regulations regarding student government elections is not to be used as a method to remove candidates from election, but rather to protect the integrity of the election process.

**18.08.06. Extenuating Circumstances.** If an offense is listed under a specific category for Section 18.08.01-03, the Election Director may treat a violation as one that is from a less severe category if there are other circumstances that cause them to believe it should be punished less harshly. The Election Director may not, however, treat a violation from a less serious category as one from a more serious category.

**18.08.07 Charges of Violation.** The Election Director may assign demerits to Candidates. They may also find a student, group of students, or student organization guilty of violations of this election code. Any student, staff, or faculty member at the University of Michigan Ann Arbor may request that the Election Director investigate potential violations. All demerits can be appealed to *the LSA SG Executive Board or CSJ*. A CSJ decision is final.

**18.08.08 Penalties for Non-candidates.** Any violator of this election code who is not a candidate shall be subject to a fine of up to \$250, possible disqualification from holding a future office in LSA SG or receiving an appointment from LSA SG, as determined by the Election Director or the CSJ. The necessity for a fine shall be determined by CSJ.

**18.08.09 Penalties for Student Organizations.** Any student organization who violates this election code may face a possible fine of up to \$250 or denial of right to request funds from LSA SG for a limited period of time not to exceed one year, as determined by the Election Director or CSJ. The necessity for a fine shall be determined by CSJ.

***18.08.10 Internal Appeals Process for Candidates.*** *Any demerit(s) and/or punishment(s) issued to candidates or Executive Tickets during the campaign period may be appealed to the LSA SG Executive Board, with all conflicted parties on the Executive Board recusing themselves. Examples of conflicted parties include but are not limited to: members who are directly involved with the candidate's campaign, other candidates who are running in the elections for the same position, and members who have publicly campaigned for the candidate or an opposing candidate. If at least a third of the*

*Executive Board recuse themselves, the process shall follow the procedures listed in 18.08.10 (a). If the Executive Board does not believe all conflicted parties have recused themselves, a decision regarding a candidate's appeal will not be made until the Executive Board agrees unanimously that all conflicted parties have recused themselves. If any candidate(s) wishes to file an appeal, they must email the Election Director, the LSA SG Executive Board, and the LSA SG Steering Committee within 48 hours of the Election Director's posted decision but no later than the start of the voting period. Appeals will be discussed when the Executive Board next meets. The Election Director and candidate(s) will be present when the Executive Board discusses the appeal. A two-thirds majority is required to change the initial decision of the Election Director to either fewer demerits and/or a less severe punishment. If there is not a two-thirds majority to change the initial decision of the Elections Director, then the initial decision stands. The Executive Board's decision can be appealed to CSJ by the candidate and/or the Elections Director.*

*(a) Steering Committee Appeals Process. If at least a third of the Executive Board is either running in the election in question or considered a conflicted party and would have to recuse themselves, then the Steering Committee would make the appeal decision and any conflicted member(s) would have to recuse themselves from the appeal process. The Steering Committee shall be encouraged to converse on possible conflicted parties within the Steering Committee Appeals Process and ask any remaining conflicted parties to recuse themselves. If the Steering Committee does not believe all conflicted parties have recused themselves, a decision regarding a candidate's appeal will not be made until the Steering Committee agrees unanimously that all conflicted parties have recused themselves. A two-thirds majority is required to amend the initial decision. If there is not a two-thirds majority to change the initial decision of the Election Director, then the initial decision stands. The Steering Committee's decision can be appealed to CSJ by the candidate and/or the Elections Director*

*(b) Appeals Process for Demerits and/or Violations Issued During the Voting Period. Any demerit(s) and/or punishment(s) issued to candidates during or 12 hours after the voting period may be appealed to CSJ and shall follow the process stated in 18.04.07.*

*18.08.11 Internal Appeals Process for Non-Candidates. Any demerit(s) and/or punishment(s) issued to non-candidates may be appealed to the LSA SG Executive Board, with all conflicted parties on the Executive Board recusing themselves. If at least a third of the Executive Board recuse themselves, the process shall follow the procedures listed in 18.08.10 (a).*

*(a). If any non-candidate(s) wishes to file an appeal, they must email the LSA SG Executive Board and the LSA SG Steering Committee. A non-candidate will have a full academic semester to file an appeal, excluding the Spring and Summer semesters. Appeals will be discussed when the Executive Board next meets. The non-candidate(s) will be present when the Executive Board discusses the appeal and the Election Director's posted decision. A two-thirds majority is required to change the initial decision of the Election Director to a less severe punishment. If there is not a two-thirds majority to change the initial decision of the Elections Director, then the initial decision stands. The appeal decision of the Executive Board or the Steering Committee is final.*

**18.08.1012 Hearings.** The hearing by CSJ in cases of possible violations shall be in accordance with the Constitution of the Student Government of the College of Literature, Science and the Arts.