

**B W2021.08**

**An Amendment to the Election Code Seeking to Eliminate the Demerits System in LSA Student Government Elections**

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

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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,

**Whereas**, a holistic review of the Election Code would be beneficial to LSA SG in the future; and,

**Whereas**, it is a widely recognized belief that there are many elements of the Election Code that need to be amended; and,

**Whereas**, it has been generally agreed upon that the system of assigning demerits is one such unsavory element,

**Whereas**, the demerit system has been found to be confusing and unnecessarily complicated in its current form; and,

**Whereas**, one of JEECAT Force’s top priorities is maximizing voter participation while not compromising the integrity of LSA SG Elections.

**Be it therefore resolved**, that the Bylaws be amended in accordance with the language in Appendix A; and,

**Be it finally resolved**, that this amendment take immediate effect.

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

**University of Michigan  
College of Literature, Science, and the Arts Student  
Government**

**Election Code**

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**Chapter 1**

**Definitions and Amendments**

1.00.00 **Title and Short Title.** This chapter shall be known as the LSA SG Code of Election Rules. The short title shall be the LSA SG Election Code.

1.00.01 **Authority.** Empowered by Article V, Section E of the Constitution of The Student Government of The College of Literature, Science and the Arts (hereafter the College), LSA SG enacts this election code: "To conduct elections every semester for the purpose of electing the representative, referendum, and proposing ballot questions. During the winter semester elections, the President and Vice President slate shall also be elected."

1.00.02 **Definitions.** For the purpose of this election code:

- (a) **Candidate:** Any person seeking office in an election, and a President-Vice President pair seeking those offices in an election.
- (b) **Campaign:** Urging, endorsing, or advertising for or against any candidate, party, or position on a referendum.
- (c) **Official Polling Site:** An official polling site shall be any computer or electronic device that a student of the College uses in order to vote. A computer or electronic device is only an official polling site during the election period.
- (d) **Violation:** *An act of breaching the Election Code.* ~~**Demerit: A demerit is the penalty for a violation of the Election Code by a candidate. Any individual receiving four or more demerits will be disqualified from running in the election. Any individual found guilty of nine or more demerits (for listing of violations please refer to Section 2.08.00-03) of the Election Code may be ineligible to run for a position in LSA SG for the remainder of their undergraduate career, to be decided at the discretion of the Elections Director.**~~

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**Chapter 2**

**Election Rules and Provisions**

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**Violations and Penalties**

2.08.00 **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 2.08.01-03, it is up to the discretion of the Election Director to determine the categorization of the violation.

**2.08.01 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 2.06.04-07
- (c) Implying an elected incumbency status that a candidate does not have, as defined in Section 2.06.00
- (d) Campaigning in any residence hall after 12 AM as stated in Section 2.06.08
- (e) Not denoting the official source of campaign material(s) as stated in Section 2.06.02
- (f) Violation of Section 2.06.09 with email listservs containing 1-100 members

**2.08.02 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 2.06.03
- (b) Campaign Finance Violation as defined in Section 2.06.10
- (c) Deception in advertising, which shall be defined as breaking any of the guidelines for advertising set forth in Section 2.06.00-01
- (d) Misrepresentation of Endorsement. Using the name of a student organization that a candidate does not have permission to use Section 2.06.01
- (e) Violation of Section 2.06.09 with email listservs containing 101-399 members
- (f) 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.

**2.08.03 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 2.06.09 with email listservs containing more than 400 members

**2.08.04 Conditions for Disqualification.** *A candidate will be disqualified from the current election cycle upon the completion of three minor violations, two major violations, one egregious violation, or one minor violation and one major violation. A candidate will be disqualified from all future election cycles upon the completion of six minor violations, four major violations, two egregious violations, or two minor and two major violations.*

**2.08.05 Candidate Culpability.** *If a candidate is found to have encouraged any person or group to commit violations on their behalf, the candidate shall be penalized in the same way that they would have if they had committed the violations themselves.*

**2.08.06~~4~~ 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.

**2.08.07~~5~~ 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.

**2.08.086. Extenuating Circumstances.** If an offense is listed under a specific category for Section 2.08.01-03, 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.

**2.08.097 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.

~~**2.08.08 Penalties for Non-candidates. Any violator of this election code who is not a candidate shall be subject to, but not limited to, one or more of the following: disqualification from holding any future offices in LSA SG, from holding voting positions within LSA SG, from holding a Chair or Vice-Chair position in a committee, holding a position on the LSA SG Executive Board, a ban from LSA SG in increments of full semesters, as determined by the Election Director or the CSJ.**~~

~~**2.08.09 Penalties for Student Organizations. Any student organization who violates this election code may face a 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.**~~

**2.08.10 Internal Appeals Process for Candidates.** Any ~~demerit(s)~~ *violations* 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 1.08.10 (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~~ *violations* 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. If at least a third of the Steering Committee recuse themselves, the process shall not proceed, but the appeal can still be filed to CSJ. A two-thirds majority in the Steering Committee 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 and Punishments Issued During the Voting Period.** Any *demerit(s) violations* 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 2.04.07.

~~2.08.11 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 1.08.10 (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 Executive Board's appeal decision shall be final.~~

2.08.1/2 **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, and all other relevant local, state, and federal laws, and campus ordinances.