

COLLEGE OF LIBERAL ARTS AND SCIENCES STUDENT GOVERNMENT ELECTION ACT

ADOPTED FALL 1978 SEMESTER
AMENDED SPRING 1998 SEMESTER

Section 1: Definitions

a) Generally, and for the purpose of the Act, the term:

1. “Assembly” means the Assembly of the Student Government of the College of Liberal Arts and Sciences; and
2. “Committee on Governmental Operations” means the standing committee of the Assembly so entitled; and
3. “Brooklyn College Student Elections Review Committee” Brooklyn College’s College Wide Election Review Committee means the student election review committee established pursuant to Section 15.2(d) of the Bylaws of the Board of Trustees of the City University of New York; and
4. “CLAS” means the College of Liberal Arts and Sciences and the students duly registered therein;

b) As used in this Act:

1. references to “function” or “functions” and “power” or “powers” shall be deemed to include references to duty, obligation, power, authority, responsibility, right, privilege, function and activity, or the plural thereof, as the case may be; and
2. references to “perform” and “performance” when used in relation to functions shall be deemed to include the exercise of power, authority, rights and privileges; and
3. references to any provision of law, governance documents, Constitution, By-Laws, Rules, Charter, and titles shall be deemed to include as appropriate, references thereto as now or hereafter amended or supplemented.

c) In references to Elections, for the purpose of this Act, and for all other purposes, the term:

1. “elections” means a general or special election conducted for the CLAS Student body; and
2. “candidate” means a CLAS Student who seeks election to Student Government office, whether or not such a student is elected; and
3. “Student Government Office” means the Office of President and Vice President of the CLAS Student Body, the Office of Representative in the CLAS Student Assembly, the Office of Delegate or Alternate to the University Student Senate, and the Office of CLAS members to the Student-Faculty Disciplinary Committee of Brooklyn College; and
4. “Political Party” means a duly registered CLAS Student Political Organization as defined in Section 3 of the Campus Student Political Organization in the Campus Activities Act of 1977 (S77-SA-22). It means an association, committee or organization which nominates a candidate for election to any Student Government Office, whose name appears on the election ballot as the candidate to said association, committee or organization; and
5. “Committee of Vacancies” means the committee to fill a vacancy in the candidate’s position, as designated by the candidate, pursuant to Selection 1 of the Permanent CLAS Election Act.

Section 2: The CLAS Election shall take place over a three-day period no earlier than March 15 and no later than April 30 for all CLAS Student Government offices.

Section 3: Polls shall be open from 9:00 AM to 5:00 PM on each day of the elections and will be located in the lobby areas of Plaza, Boylan, Ingersoll and Whitehead buildings.

Section 4: The CLAS Student Assembly shall appoint the members of the CLAS Student Government Elections Commission (herein after referred to as the “Commission”), as pursuant to Rule XV of the Rules of the CLAS Student Assembly.

Section 5: Petitioning will start no later than Five (5) weeks prior to the election, for referenda, and one week later (four weeks prior to the election) for candidates. The petitioning period will last two weeks for referenda and one week for

candidates. The entire petition shall begin at 12 Noon on the first day and end exactly 14 days later at 12 Noon.

Section 6: Only CLAS students may sign petitions for candidates and/or vote in CLAS Elections. Only CLAS Students with at least one semester left may run for any office be it President, Vice President, Assembly Person, University Student Senate Delegate, and alternate or the Student-Faculty Disciplinary Committee. No graduating student will be permitted to run for any office. The status of all candidates shall be checked through the Office of Student Records by the Election Commissioners. No person shall run for the office of CLAS Student Government President without a running mate for the Office of Vice President.

Section 7: Group(s) or individual(s) seeking to place referenda on the ballot shall submit a written copy of the proposal referenda to the Election Commission. The commission shall then draw up petitions containing the form of the referenda desired and distribute them to the group(s) or individual(s) concerned. All petitions not submitted in accordance with these regulations shall be immediately declared null and void.

Section 8: Petitioning requirements shall be the same for all offices, except president and vice president of Student Government. That is 350 valid signatures for president and vice president and 70 valid signatures for all other offices. Petitioning requirement for all referenda shall be ten (10) percent of all CLAS students, as pursuant to Article 2, Section 2, subsection (b) of the Constitution of the CLAS Student Body.

Section 9: Candidates running for President or Vice-President may not run for any other office.

Section 10: CLAS Students shall be allowed to sign an unlimited number of petitions for candidates and referenda. All signatures must be accompanied by the student identification number (social security number) in order to be valid.

Section 11: The period of validation of signatures shall extend for one week after the end of petitioning. Validation of signatures shall be conducted through the Office of Student Records by the Commission.

Section 12: The Executive Committee or Board of each Party running in the election shall submit in writing a list of all persons authorized to run on that party's slate. The list must be signed by a majority of the party's Executive Committee or board and must be accompanied by a reproduction of the party's registration with Central Depository. No petitions shall be

given out to any party that has not compiled with these regulations. No petitions shall be given out to any person to run on a particular party's slate unless his/her name appears on that party's list of candidates. Persons without party affiliation may take out petitions with the designation "Non-Partisan".

Section 13: Petitions must be picked up by each candidate in person; at which time the candidate shall be required to sign a waiver empowering the commission to certify that he/she is registered for a minimum of twelve (12) credits in the CLAS division of the college and is in good academic standing in the pursuit of a degree with a minimum Brooklyn college cumulative index of 2.0. Each candidate for office shall also have completed a semester immediately prior to the election semester in the CLAS division of the college.

Section 14: All petitions taken out shall carry, on each page, the name of the candidate, the name of the party, the office being run for, the term of office, and the committee of Vacancies of the party (the Executive Committee or Board).

Section 15: Candidates are prohibited from changing any of the above information, which shall be filled out in the presence of a Commissioner of Elections, at the time the petition is taken out. Any alteration of said information shall render the entire page of signatures invalid.

Section 16: All candidates and individual(s) taking out referendum, shall receive a copy of the Election Act from the Commission, upon request.

Section 17: Upon return of petitions, the candidate shall receive a receipt from the Commission. The receipt shall contain the following information: candidate's name, number of signatures submitted, date and time of submission; and that the receipt shall be signed by at least one commissioner of elections and by the candidate. The Commissioners of Elections shall make copies of each receipt; the original being kept by the Commission, one copy being kept by the candidate and the other copy being placed in the custody of the Campus Security Office or the Central Depository, on the same day as the receipt is made. Copies of all petitions shall also be made on the day of the receipt; the copies being placed in the custody of the Campus Security Office or the Central Depository. The originals shall be retained by the commission. When receiving returned petitions, the Election Commission shall not accept petition(s), which do not have the requisite number of signatures and accompanying student I.D. numbers. This initial count does not determine validity or invalidity of signatures and accompanying student I.D. numbers.

Section 18: Each party shall submit in writing the order in which they wish their valid candidates to appear on the ballot, no later than noon on the last day of validation period. If any party fails to submit such a list, their candidates shall appear alphabetically on the ballot. Each list must be signed by a majority of the party's Executive committee or board. No valid candidate may be removed from a party's list or from the ballot without his/her consent in writing, delivered personally to a Commissioner of Elections.

Section 19: Ballot lines shall be assigned by the commission on the basis of a coin-toss that shall be held immediately after the petitioning deadline in the presence of at least one, but no more than three representatives from each petitioning party.

Section 20: No change in Party's names or candidate's party shall be permitted after the end of petitioning.

Section 21: The Committee of Vacancies shall be permitted to make substitutions for withdrawn valid candidates until ten days prior to the elections, but withdrawals shall be permitted without substitution until the Friday prior to the start of the election:

Section 22:

- a) Each party shall be prohibited from running more than one candidate for each of the following Student Government Offices; President of Student Government, Vice President of Student Government, Delegate to the University Student Senate, and Alternate to University Student Senate. (For the offices of Representative in the CLAS Student Assembly, the provisions of subsections b and c of this section shall apply). Each party shall be prohibited from running more than two candidates for the Student-Faculty Disciplinary committee.
- b) Each party shall be prohibited from running more than seventeen (17) candidates for the twenty-nine (29) full year seats contested at each general election for Representative in the CLAS Student Assembly.
- c) Each CLAS student shall be authorized to vote for no more than twenty-nine (29) candidates running for full year terms for the Office of Representative in the CLAS Student Assembly.
- d) Student shall be allowed to vote for a delegate and an alternate delegate to USS. The delegate and alternate shall be allowed to be from the same party. Students

must also be permitted, though not obligated to vote for both candidates from a particular party for the position of Student Disciplinarian.

Section 23: Office space for the Election Commission shall be provided in Room 221 of the Student Center.

Section 24: The CLAS Student Assembly shall inform the student body of the dates of the election and of petitioning through on campus advertisement.

Section 25: The following are established as campaign violations:

- a) Campaigning within fifty (50) feet of polling stations.
- b) Removal of an opposing party's posters or other signs
- c) Attaching posters or signs with glue or past. Use of scotch tape, masking tape, staples, and thumbtacks is permitted.
- d) Attaching posters or signs to trees or inside the Student Center, the library, or the Boylan Cafeteria.
- e) Making defamatory or libelous statements.
- f) Use of Student Government space, offices, or other facilities of any kind for storage of campaign materials. For purposes of this section, Student Government shall be defined as the entire office space located within 311 Student Center and all facilities therein, including all offices and lobby areas of the CLAS, SGS, and Graduate Student Organizations.
- g) Use of college owned equipment including, but not limited to copying machines.
- h) Use of bull horns or any electric sound equipment at any time except CLUB Hours.
- i) Threatening or Harassing candidates or Commissioners of Elections.
- j) Physical assault of candidates or commissioners of Elections.

Section 26: Cash fines shall be levied for all offences, except assault of candidate(s) or commissioner(s) of Elections. The fines shall be paid by the party of the violator or by the candidate if he/she ran "non partisan". The fines shall consist of the following: \$25 for the first offense, %450 for the second offence, and \$100 for each of that party's or candidate's subsequent offenses. The fines shall be levied and collected in the following matter:

- a) Upon report of an alleged violation, the Commission shall investigate the allegation. If a violation is believed to have occurred, the commission shall inform the alleged violator(s).
- b) On the day following the conclusion of the election, a hearing shall be held by the Election Commission. Each violation will be considered individually. The complainant(s) and the alleged violator(s) shall be present. Each party in the election may send one representative. All witnesses to the alleged violations shall also be present.
- c) In each case, the commission shall meet in executive session immediately after presentation of all evidence. The Commission shall then determine beyond all reasonable doubt by majority vote whether or not a violation has occurred. If such a determination is made, the commission shall then immediately determine and levy the applicable fines. The commission shall then inform the violator(s) and his/her/their party of the findings, which may be appealed to the Brooklyn College Student election Review committee, which shall be the final judge in all cases.
- d) Hearings by the commission on alleged violation shall be concluded within seven (7) days of the end of the elections. The Commission shall then immediately transmit a report on each case to the Brooklyn college student Election Review committee.
- e) All fines levied, and approved (if appeal has been made) by the Brooklyn College Student Election Review Committee must be paid prior to the start of petitioning for the next election. The fines shall be paid, through Central Depository into the CLAS Student Government Joint expense Budget, in the CLAS Election Fund and shall be used to dray the cost of future elections.
- f) If any fines are not paid by the above-mentioned deadline, the party involved shall be suspended from participation in the CLAS elections of the year following the violation.
- g) In cases where the Elections Commission has determined that a physical Assault on a candidate or a Commissioner of Elections has taken place the responsible person(s) shall be liable to the following penalties:
 1. Revocation of the offender's candidacy, if the offender was running for office when the violation occurred, with said candidacy to be awarded to the next highest vote-getter for the position being contested; and
 2. Permanent suspension from holding any and all offices, elected and appointed within CLAS Student Government to any organization that

concerns itself with the governance of Brooklyn College for the City University of New York.

3. The offender shall have the right to apply for eligibility to participate in CLAS one year, after conviction. The application will be made by the offender before the CLAS Election Commission in an open hearing.
 4. The offender must present two letters attesting to his/her good character from members of the CLAS Faculty or the Administration of Brooklyn College.
 5. Offenders denied eligibility have the right to re-apply for said eligibility on a yearly basis.
 6. The commission shall keep written minutes of all assault case proceedings and issue written opinions explaining the circumstances surrounding each assault conviction. These records shall be delivered to the CLAS Student Government secretary on or before the last day of the spring semester.
- h. The Elections commission shall not exercise jurisdiction over any case involving a commissioner or a person deputized by the Commission, as a plaintiff, or witness. Cases in which complaints have been filed by members and appointees of the commission must be referred directly to the Election Review committee.

Section 27: The provisions of Rule XV of the Rules of the Assembly shall provide for and govern the Establishment; Composition; Appointment; Qualifications, and Removal of commissioners; Officers of the commission; Commission Procedures; and the Powers, Duties, Responsibilities and Functions of the Commission.

Section 28: Immediately after the election, the votes shall be recorded at the polling stations. Only the following persons may be present at the recording: the Commissioners of Elections, the College Student Election Review Committee, employees of the balloting organization conducting the election, and no less than one, but no more than three poll-watchers per party running who are designated by the parties at some time during the election. “Non-Partisan” candidates may also be present, as well as one representative of each referenda-sponsoring group. The Election Commission may request College Security Personnel to cordon off the machines from other persons as the votes are recorded.

Section 29: Immediately after the recording process is complied, the votes shall be tabulated in a room in the Student Center to be designated by the Election Commission. Only persons permitted at the recording process (see Section 28) shall be permitted in this room. After the tabulation begins, there shall be no communication between anyone in the room and anyone outside the room. When tabulation is completed, the Election Commission shall announce the results to all present, including persons not previously permitted inside, who may be admitted once the tabulation has ended.

Section 30:

- a) The CLAS Election Commission shall have full control of all monies budgeted for the CLAS Student Government elections, as contained in the CLAS Student Government Budgets and/or funds/revenues of the Brooklyn college Association.
- b) The Central Depository (C.D.) is directed to establish a distinct and independent account for the CLAS Election Commission and transfer to it all funds allocated for the purpose of conducting CLAS Student Government Election as pursuant to Section 30, subsection (a).
- c) The funds transferred by C.D. to the Election commission Account shall be used for all necessary and proper expenses of the Election Commission (as determined by the Election Commission) to conduct a fair and honest election. This shall include but not be limited to Expenditures for:

- 1) Contracting for a balloting organization
 - 2) The preparation, Documentation and copying of Relevant Electoral Documents (Petitions, Rules, Receipts, and copies of the Election Bill, etc....)
 - 3) Administrative/Operating Expenses of the CLAS Election Commission (Telephone, Reimbursable Expenses, Transportation, Mailing, etc....)
 - 4) Security and Maintenance Items
- d) To conform to the procedures of the Central Depository, the Election Commission shall choose from among its members a Chairperson and a Treasurer.

Section 31: The provisions of this bill are, in their whole a permanent election act. They may, however, be amended by future Assemblies.

Section 32: Any members of the faculty or administration found to be in violation of this act shall be required to submit a written apology to all school publications (including, but not limited to, *The Excelsior*, *The Kingsman*, and *Nightcall*) within one school week of the Election

Commission's decision regarding that violation. This apology shall clearly admit said violation. Failure to do so will result in further penalties including, but not limited to, any legal action possible. Future Election Commissions can take into consideration previous infractions of any members of the faculty or administration and thus can choose to limit the involvement of the aforementioned violator(s) in future elections.

Section 33: Election Commissioners have the sole power to preside over the Student Government Elections. This power shall not be questioned by any faculty or administration, nor influenced by the same. The election commission's decisions as well as their interpretation of this act are final. Any appeals on Election Commission decisions must go through the student-run CWERC. The CWERC is the only body (other than the President of Brooklyn College) with the authority to overturn Election commission decisions, and their findings may not be questioned or unduly influenced as mentioned above. Doing so is a violation of this act.

Section 34: No rules shall be established by the faculty or the administration regarding the procedures for Student Government elections. All rules established regarding elections as well as all amendments and revisions to this act must be passed in the Governmental Operations Committee of Student Government, and then by the Student Assembly. The amendment and revisions made to this act go into effect the next election following their passing. All participants in the Student Government Elections are only bound to the rules prescribed in this act. No act can be considered violation unless it is specified in Section 25. No penalties other than those prescribed in Section 26 may be enforced.

Section 35: Any groups/individuals accused of a violation or offense must be notified in writing prior to the investigation by the Election Commission. The notification must include names of groups/individuals who are filing the complaint(s) to the Election Commission.

Section 36:

- a) There shall be limits per group for propaganda at each gate (Hillel, Bedford Ave., Campus Road near the bike rack and Ocean Avenue).
- b) The gate space shall be divided into several areas, of size X feet.
- c) The space limit X shall be decided by the election commissioners, and shall be determined based on the number of groups who shall appear on the ballot, and the total amount of available gate space.

- d) The election commissioners shall have the sole right to identify which groups or persons are allowed to place campaign materials on the gates.
- e) The space assignment of political parties and referenda groups will be assigned by random ballot.
- f) The election commissioners are required to immediately remove any propaganda that is not placed in and group/person's allotted area.