

Bill No: B0046

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Fall 2023 Election Code Bill: A Bill to Amend the MCSG Election Code

WHEREAS, The MCSG Election Code requires yearly revision and reaffirmation,

Be it enacted by the Macalester College Student Government Legislative Body, by a two thirds majority vote:

That the current MCSG Election Code shall be amended to reflect approved edits, additions, and changes.

MCSG Election Code

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Approved by the Legislative Body:

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ELECTION CODE

Section I. Purpose.

1. This election code shall govern all elections for all elected offices and student body referendums within the Macalester College Student Government (MCSG). The Election Procedures Commission (EPC) will be responsible for facilitating all elections for MCSG positions.
 - a. The EPC will be composed of all graduating elected members of MCSG and the President.
 - i. Should a graduating representative choose to file for an open cabinet or executive board seat in the fall semester, they will no longer be part of EPC.
 - ii. In the event that the MCSG President is the sole member of EPC, they may nominate students and be confirmed by a $\frac{2}{3}$ majority from the Legislative Body.
 - b. The Dean of Students or their designee will advise the EPC to ensure consistency and fairness in running the elections process.
 - c. The MCSG President will serve as the chair of the EPC, but shall not be a voting member.
 - d. No candidate for any position may serve on the EPC during their election.
 - e. In the event of a resignation from or vacancy on the EPC, the MCSG President or remaining members of EPC will present their new EPC nominations to the Legislative Body within fifteen (15) class days of the vacancy. The Legislative Body will confirm the nominations by a simple majority vote.
 - f. Removal of EPC members shall follow the process outlined in the MCSG Constitution for removing appointees.
 - g. The EPC will work with the Communications and Engagement Committee and community members in promoting the election process. This may include, but is not limited to: social media campaigns, posters, signs, sandwich boards, table tents, posts in the Mac Daily, and class list/student announcement emails.
 - h. The Executive Board must submit a bill to the LB by the fifth (5th) meeting of the Fall semester affirming or amending the MCSG Election Code, unless extended by a simple majority vote by the Legislative Body
 - i. Amendments to this document shall require a $\frac{2}{3}$ majority vote of the LB.

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Section II. EPC Rules and Procedures.

1. A quorum shall consist of all current voting members of the EPC and the MCSG President.
 - a. If a member of the EPC cannot be present, the MCSG President/EPC Chair may excuse them, and thus quorum will be all other members.
2. All EPC decisions shall be made by simple majority vote except where stated elsewhere in this document, the MCSG bylaws, or the MCSG Constitution.
 - a. Should this document be found contradictory to the MCSG bylaws or MCSG Constitution, the Constitution shall take precedence, followed by the bylaws.
3. All members of the EPC are expected to have read the entirety of the Election Code.
4. All members of the EPC and the EPC advisor shall have access to the EPC email. Access to the EPC email shall be limited to the members of the EPC, the EPC Chair, and the EPC advisor.
5. The EPC shall meet at least once before the filing period opens for an election to prepare for the upcoming election(s) and discuss relevant issues.
6. The EPC shall meet more frequently at the request of the chair or a majority of members.
7. The EPC shall keep confidential all information pertaining to election results and other EPC proceedings, except for what is deemed appropriate to publicize to the entire student body and is posted on the MCSG website.

Section III. Candidacy.

1. Any person classified as being enrolled by the College Registrar shall be eligible for office.
 - a. In the event that student/s are studying away or graduating early, two students may run for a Class Representative, Liaison position, or Chair of the; Student Organizations Committee, Academic Affairs Committee, or Communication & Engagement Committee on a split ticket. One student shall serve during the Fall semester while the other shall serve during the Spring semester.
 - b. Students who are not studying away or graduating in December who wish to run on a split ticket or wish to run alone for only a single-semester term of service based on extenuating circumstances shall submit a request to do so to the Elections Procedure Committee Chair (the MCSG President) no later than 48 hours prior to the end of the filing period.
 - i. EPC will convene to either approve or deny the request for a split ticket or a single-semester term within 24 hours of receiving the request. Should the candidate/s want to appeal the decision by the EPC, a complaint shall be made promptly to the Judicial Council for review.

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- b. Candidates for President, Vice President, Cabinet Chair, and Financial Affairs Committee Chair are not eligible for split tickets.
2. Additional restrictions applying to all offices governed by this document:
 - a. No person may file candidacy for more than one position at one time.
 - b. Candidates wishing to withdraw from candidacy after filing may do so by informing the chair of the EPC by email.
 - c. No position will be filled by election with less than eight weeks left in the academic year from the time the seat is vacated.
3. Filing for Candidacy
 - a. Timeline
 - i. Filing for Executive Board positions will commence the week following Spring break each year.
 - ii. The candidates meeting for non-first year Class Representative and Cabinet elections shall take place on the Monday three weeks after the scheduled conclusion of the Executive Board elections.
 - iii. The EPC shall send out a filing form to the office's constituency at least four (4) days prior to the candidates meeting. All filings must be received by 11:59 p.m. the night before the candidates meeting.
 - iv. Campaigning shall begin immediately following the candidates meeting. The campaigning period shall end when voting closes.
 - v. The ballot shall be sent out on the fourth (4th) day after the candidates meeting. The election period shall be at least 72 hours.
 - b. The EPC will include the MCSG Election Code and MCSG Bylaws in the initial communication with the filing form.
 - c. The EPC should make it clear that by completing the Filing for Candidacy documents, the prospective candidate assumes all responsibility to abide by the Election Code and Bylaws.
 - d. The Filing for Candidacy document submissions must be publicly accessible for the student body and interested parties to view upon the filing period opening.

Section IV. Right to Vote.

1. Campus-wide Offices
 - a. All degree-seeking students (including students on Leave of Absence) and international exchange students shall be eligible to vote for these offices.
2. Class Representative Offices
 - a. For students who enter Macalester as a first-year, their class will be based on their entering cohort

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- i. For the purpose of determining voter eligibility, students who have been enrolled at the college for four or more years will be treated as seniors
 1. For transfer students, class year will be based on expected year of graduation
 2. Exchange students will not vote in Class Representative elections
 - ii. Campaigning shall be defined as:
 1. The distribution and/or publication of any type of written, printed, drawn on any surface, or electronic material by a candidate or their supporters.
 2. Any formal discussions, debates, speeches, or advertising by any candidate.
3. Campaigning Period
 - a. No candidate is allowed to begin campaigning until they have attended the candidates meeting or a makeup session with the EPC Chair.
 - i. If a candidate fails to attend the candidates meeting, they are responsible for scheduling a makeup session with the EPC chair. This makeup session shall convey the same content as the candidates meeting. The meeting may take a virtual format.
4. Spending.
 - a. Candidates may not spend any personal funds on their campaign activities, nor may they accept contributions of financial value from any source.
 - b. No financial or material compensation shall be exchanged for votes.
5. Responsibility.
 - a. Candidates shall be responsible for all activities relating to their campaign. Candidates can be subject to penalty (detailed in Section IX 1b) due to actions taken on their behalf by others, at the discretion of the EPC.
 - b. The candidates shall observe all building regulations and campus policies. Candidates should especially be aware of Residential Life policies regarding posting in residence halls.
 - c. Candidates shall not damage, move, cover, or deface or otherwise interfere with others' campaign material.
 - d. No statements shall be made by candidates, verbal or nonverbal, that grossly distort statements, proposals, or actions made by themselves, another candidate, or other students.
 - e. A candidate may appoint one (1) official proxy. This proxy may function as the candidate at any official campaign events in the candidate's absence. The proxy must be communicated to the EPC by the end of the filing period.

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- e. Constituent emails will be loaded from this list into each appropriate Qualtrics ballots.
2. Contents of the ballot must contain the following items:
 - a. The classification (general, special, delayed runoff, etc.), season, and year of the election.
 - b. Clear instructions for using the ballot.
 - c. The names of all candidates who have filed with the EPC grouped by the office they seek.
 - d. Names of all candidates running for the same position listed in a randomized order on each individual ballot.
 - e. A write-in provision for each seat that is up for election.
 - i. 15% of the total vote for the specific office position shall be considered the threshold to be an eligible write-in candidate.
 - f. Any ballot measures (i.e. referendums) if the appropriate petition is submitted within twenty-one (21) days of an election period.
 - g. For Class Representative elections, each voter will be able to vote for up to four (4) candidates.
 - h. For Executive Board and Cabinet elections, each voter will be able to rank their preferences for all candidates on the ballot. The ballot will include the same number of options as the number of candidates, plus one write-in option.
3. Hours of Voting
 - a. The period of voting must last for seventy-two (72) hours.
 - b. Candidates and proxies will not watch voters fill out their ballots, and must give each voter privacy when filling out the ballot.
4. Declaring a Winner
 - a. Ballots for Executive Board elections will be counted using ranked choice voting methods.
 - b. In a regularly scheduled Legislative Body Representative election, the four candidates who receive the most votes will be the winners.
 - c. In the event of a tie affecting the outcome there shall be a runoff election held between the tied candidates.

Section VI. Candidates Forum

1. The EPC will organize a forum in which all the candidates running during an election period will be required to attend. Failure to attend or to appoint a proxy to attend without EPC permission will be treated as a violation and shall result in the candidate not being placed on the ballot. Exceptions to this rule will be made for those candidates not currently studying on campus and on a case-by-case basis by the EPC.

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2. The forum will be held in a central, public space and will be moderated by members of the EPC. The EPC will make an effort to include other interested community members in the forum process and moderation.
3. The format of the forum will be determined by the EPC, ensuring that each candidate receives equal opportunities to speak and space is provided for candidates and their prospective constituents to meet and converse.
4. The EPC, together with the Communications & Engagement Committee and the Media & Outreach Coordinator will publicize the forum thoroughly to ensure that student turnout is high, and schedule the forum at a time when there are no classes.
5. The forum will be held during the campaigning window for each election, and must take place within the campaigning period.

Section VII. First-Year Representatives Committee Elections

1. The MCSG President will convene the first meeting of the EPC by the end of the fifth day of classes Fall semester in order to run the First-Year elections.
 - a. Prior to the fifth day of classes, the MCSG President will work with other members of the Legislative Body to promote filing for First-Year elections, beginning with the First-Year Orientation Process.
2. Filing
 - a. Filing for First-Year elections will begin no later than the fifth day of classes in the Fall Semester and remain open for at least four (4) days.
3. Campaigning
 - a. Campaigning will last for at least four (4) days prior to the ballot being sent out.
 - b. All aforementioned rules regarding candidacy and campaigning still apply for First-Year elections.
 - c. Candidates and proxies will not watch voters fill out their ballots, and must give each voter privacy when filling out the ballot.
4. Voter Validation and Balloting Process
 - a. The same processes that govern the other MCSG elections will apply to the First-Year elections.
5. Election Process Summary
 - a. The EPC will produce a summary (timeline) of the entire election process, to be distributed to all candidates running for office prior to the candidates meeting, with special consideration for First-Year candidates, who are more unfamiliar with the process.
6. Additional Considerations

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- a. Any rules or guidelines previously mentioned in the Election Code apply to the First-Year Representative elections as well, unless explicitly contradicted in this section.

Section VIII. Student Body Referendums.

1. The process of calling a referendum must be in pursuant to the MCSG Constitution.
2. All campaigning rules for elections are in place for referendums. In this case, the candidate is the party proposing the referendum.

Section IX. Vacancies and Special Elections.

1. Vacancies
 - a. Executive Board
 - i. In the event of an Executive Board vacancy, the MCSG President shall appoint an Interim Chair with a majority approval of the LB.
 1. Current Class Representatives and Liaisons may serve as Interim Chair in addition to their elected positions, but are responsible for the duties of both positions.
 2. Executive Board members may not serve as an interim chair.
 3. If the vacancy/absence is the President, the Executive Board will confirm the Vice President to be the Acting President with a simple majority vote.
 - ii. The Interim Chair shall serve until a new Chair has been elected.
 1. While serving as Interim Chair, they shall have no official vote in MCSG proceedings (unless they already hold an MCSG position), but may hold the floor and conduct business on behalf of their respective committee.
 2. The Interim Chair must attend their respective committee meetings, LB meetings, Executive Board meetings, and any additional necessary meetings.
 - iii. The Interim Chair is responsible for working with the Committee Advisor to ensure a smooth transition after an election.
 - b. Cabinet
 - i. In the event of a Cabinet vacancy, the MCSG President may appoint an Interim Liaison with a majority approval of the LB.
 1. Current Class Representatives may serve as Interim Liaison in addition to their elected positions, but are responsible for the duties of both positions.

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2. Executive Board and Cabinet members may not serve as an Interim Liaison.
 - ii. The Interim liaison shall serve until a new liaison has been elected.
 1. While serving as Interim liaison, they shall have no official vote in MCSG proceedings (unless they already hold an MCSG position), but may hold the floor and conduct business on behalf of their respective office.
 2. The Interim liaison must attend Cabinet meetings, LB meetings, and any additional necessary meetings.
 - iii. The Interim liaison is responsible for working with the MCSG President and MCSG advisor to ensure a smooth transition after an election.
 - c. Representative Committee
 - i. In the event of a Class Representative vacancy, there shall be no appointments made before an election can be held.
2. Special elections
 - a. The same rules apply to a special election as a regularly scheduled election unless otherwise stated. The filing period in a special election shall begin at the latest (3) class weeks after a vacancy becomes official.
 - i. An officeholder may submit an irrevocable letter of resignation to the EPC or the MCSG email account in which they designate the date by which their seat shall fall vacant. Should the election take place prior to the vacancy becoming effective, the newly elected officeholder shall take their seat upon the seat becoming vacant.
 1. For the purposes of a special election, the date of vacancy shall be considered the date upon which such a letter was received by the EPC.
 - b. Timeline
 - i. In the event that a seat becomes vacant (e.g. if someone resigns or is recalled), the MCSG President will work in cooperation with the EPC to hold a special election within three (3) class weeks of the vacancy becoming effective unless it is within eight (8) weeks of the end of the academic year. All decisions regarding special election arrangements and rules will be communicated to EPC members for review.
 1. The candidate's meeting shall be held on a class day not to exceed three full class weeks from the date of the vacancy becoming effective.
 - c. Filing

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- i. The EPC shall send out a filing form to all eligible potential candidates at least four (4) days prior to the candidates meeting. All filings must be received by 11:59 p.m. the night before the candidates meeting.
- ii. The Filing for Candidacy document submissions must be publicly accessible for the Student Body and interested parties to view upon the filing period opening.
- iii. Campaigning shall last at least four (4) days.
 1. A candidates forum shall be held as outlined in section 6.

Section X. Interpretations and Violations.

1. Violations

- a. Any violation shall be reported to EPC prior to the ballot period ending. All violations shall be sent to mcsgepc@macalester.edu
- b. Any violations of this document shall be reported to the EPC email as a formal complaint. The EPC can, upon noticing a violation, start the sanction process. The EPC shall decide whether the formal complaint is a violation of the Election Code and shall apply the appropriate sanction based on the severity of the complaint.
- c. Any violation of the Election Code by a candidate must result in one or more of the following:
 - i. Suspension of specific campaigning privileges.
 - ii. Removal from the election ballot.
 - iii. Disqualification of eligibility to serve.
- d. Any violation of the Election Code by the EPC shall be explained in a student announce email from the EPC and, if the results of the election could have been impacted, must result in one or more of the following:
 - i. Redoing the section of the election where the error occurred (voting period, campaigning period, and/or filing period) and all following sections.
 - ii. Holding a runoff election between relevant candidates or positions.
 - iii. Redoing the entire election process.
- e. Any member of the campus community may report a violation of the Election Code.
- f. Any decision in response to a reported violation must receive a unanimous vote by the EPC. All members must be present in person to reach a quorum.
- g. If the EPC cannot reach consensus, the formal complaint is sent to the MCSG Judicial Council for a final majority decision.
- h. If the EPC and Judicial council cannot form a decision, the vote will go to the Legislative Body.

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2. Appeals

- a. Interpretations concerning this document, and choices made by the EPC, may be appealed to the Student Judicial Council through the MCSG President or the MCSG Advisor. The Dean of Students or their designee will also ensure that the EPC conducts elections in a consistent and fair manner, and will work to resolve any potential conflicts of interest.
- b. The EPC shall not finalize and distribute election results until all pending EPC appeals have been processed by the Judicial Council.
- c. Appeals of EPC decisions must be made within two (2) class days of the EPC sharing its decision with the concerned party.

Section XI. Anti-Discrimination Clause and Expectations

1. Macalester College Student Government does not discriminate against members of a protected class as defined by the Macalester Non-Discrimination Policy.
2. Should any member of the Macalester College community find a member of MCSG to have violation of Article IX, Section 1.1 of the MCSG Constitution, the complainant may take the following steps:the following steps may be taken by an individual:
 - a. File an Incident of Bias/Harassment with a note that the incident involves MCSG.
 - i. The Outcome from the Bias and Response Team does not necessarily mean an offending member of MCSG student will be removed from MCSG nor removed from a ballot.
 - b. File a report to the MCSG Judicial Council, in coordination with the Judicial Council Advisor and a staff member from the Bias and Harassment Response Team, where an educational session will take place.
 - c. Should a student wish to take further action to dismiss an elected member of MCSG, refer to the recall section of the MCSG Constitution (Article XII).