

BILL 21/22/12

**AMENDMENTS TO THE KANSAS STATE UNIVERSITY
STUDENT GOVERNING ASSOCIATION ELECTIONS
REGULATIONS CONCERNING INSTANT-RUNOFF VOTING**

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WHEREAS, The elections procedures of the Kansas State University Student Governing Association (KSU SGA) should be as accessible, accurate, and non-controversial as possible;

WHEREAS, In the 2018 and 2019 KSU SGA General Elections, the disqualification of one of the two presidential tickets after the Primary Election and before the General Election resulted in significant disruptions to and controversy regarding each elections season;

WHEREAS, The 2018-2019 KSU SGA Student Senate challenged the following Student Senates to reform KSU SGA elections by passing Resolution 18/19/49, which called upon Student Senate to “discover the most equitable process for conducting and regulating elections;”

WHEREAS, One unique feature of the KSU SGA elections system is the top-two primary for Presidential and Vice Presidential Elections;

WHEREAS, Participating in a top-two primary requires voters to vote twice and still prevents them from fully expressing their preferences between more than three tickets for KSU SGA President and Vice President;

WHEREAS, Every KSU SGA General Election since 2003 without a disqualification had greater voter turnout than the corresponding Primary Election;

WHEREAS, A ticket’s withdrawal or disqualification from a top-two primary currently results in the third place Presidential Candidate from the Primary Election being placed on the General Election ballot;

WHEREAS, This creates an almost insurmountable hurdle for that third place ticket to comply with the elections regulations and get elected, especially if they are placed on the ballot right before voting starts;

WHEREAS, Instant-Runoff Voting (IRV) is an alternative system for single-winner elections where voters rank the candidates or tickets on their ballot in order of preference using numbers from least to greatest;

WHEREAS, If no single ticket receives a majority of ballots allocated using each voter’s single highest preference, the ticket who receives the fewest number of highest preferences is eliminated;

WHEREAS, If a voter’s highest choice is eliminated, only then is their next-highest choice counted;

WHEREAS, This process continues until one ticket wins a majority of ballots;

54 **WHEREAS,** IRV allows voters to more fully express their preferences, creating an incentive for
 55 tickets to attract the widest support possible and allowing more than two tickets to have a
 56 chance to win;

57
 58 **WHEREAS,** IRV would eliminate the need for a Primary Election by allowing voters to express their
 59 preferences between tickets through rankings in the General Election;

60
 61 **WHEREAS,** Adopting IRV would substantially streamline the KSU SGA Elections Regulations by
 62 removing duplicate regulations for the Primary Election;

63
 64 **WHEREAS,** Removing the Primary Election would remove a source of confusion among students
 65 about voting in KSU SGA elections, making it easier for KSU SGA to increase turnout;

66
 67 **WHEREAS,** IRV would eliminate the need to “pull up” a candidate for Student Body President into
 68 the General Election upon the disqualification or withdrawal of another candidate by only
 69 including the General Election and by skipping over any removed tickets in the instant-
 70 runoff process;

71
 72 **WHEREAS,** IRV is increasingly used by state and local governments, including the states of Maine
 73 and, beginning in 2022, Alaska;

74
 75 **WHEREAS,** IRV is also increasingly used by Student Governing Associations and other governing
 76 bodies across the country, including Auburn University, Oregon State University, Texas
 77 A&M University, and the University of Texas at Austin;

78
 79 **WHEREAS,** If KSU were to implement IRV, it would be the first college or university in the state of
 80 Kansas to do so;

81
 82 **WHEREAS,** IRV is recommended for use by private organizations in Roberts’ Rules of Order when
 83 voting multiple times is impractical;

84
 85 **WHEREAS,** KSU SGA’s current Service Level Agreement (SLA) with the KSU Information
 86 Technology Department (KSU IT) requires KSU SGA to pay a yearly fee of \$5,500 for
 87 upkeep and technology enhancements to our elections platform, but does not fund feature
 88 development;

89
 90 **WHEREAS,** KSU SGA’s SLA defines a per-hour development fee of \$75 per hour for feature
 91 development of the KSU SGA Elections System; and

92
 93 **WHEREAS,** Implementing IRV would be an additional one-time cost of no more than \$4,000 in
 94 addition to the fee already specified in KSU SGA’s SLA.

95
 96 **BE IT RESOLVED THAT:**

97
 98 **SECTION 1.** Chapter 01, Section 01-0102 of the Kansas State University Student Governing
 99 Association (KSU SGA) Statutes shall be amended to read as follows:

100
 101 **01-0102** Definitions

102 **A.** Campaign. The term “campaign” shall mean people or action(s) organized in
 103 support or opposition to a question, candidate(s), or other campaign(s).

104 **1.** People here includes, but is not limited to, candidates or write-in
 105 candidates, campaign staff, and workers.

- 106 B. Active Campaign. The term “active campaign” shall mean the state of currently
107 performing campaign actions.
- 108 C. Campaign Action. The term “campaign action” shall mean any action performed
109 or directed by candidate(s) or campaign staff done in support or opposition to a
110 question, candidate(s), or other campaign(s).
- 111 D. Campaign Materials. The term "campaign materials" shall mean any
112 advertisement, document, or device of any kind whatsoever intended to
113 promote or oppose a candidate or question voted upon by the student body.
- 114 E. Harassment. The term “harassment” shall mean continued solicitation to an
115 individual beyond the initial communicated refusal.
- 116 F. College. The term "college" shall mean the eight academic colleges and the
117 graduate school on the Manhattan campus of Kansas State University.
- 118 G. Candidate. The term "candidate" shall mean any individual who has satisfied all
119 of the eligibility requirements to run for office in the Primary and/or General
120 Election, and has filed a declaration of candidacy with the Elections
121 Commissioner.
- 122 H. Write-In Candidate. The term "write-in candidate" shall mean individuals
123 receiving votes who have not filed a declaration of candidacy for that position.
- 124 I. Campaign Staff. The term “campaign staff” shall mean any individuals who are authorized by
125 candidates to perform and oversee campaign actions.
- 126 1. Up to 15 Presidential Campaign staffers may be registered with
127 the Elections Commissioner on the Campaign Action Report.
- 128 2. Registered staff must be qualified students of Kansas State
129 University (as determined under this Code in 01-0103) and must not be
130 paid for their work.
- 131 3. Campaign Staff may only be registered with one presidential
132 campaign.
- 133 J. Campaign Worker. The term “campaign worker” shall mean any individual who
134 is authorized by candidates or campaign staff to perform campaign actions.
- 135 K. Social Media. The term “social media” shall mean any electronic platforms that
136 allow campaigns to create a public presence to perform campaign actions and
137 provide members of the public the ability to view and engage with campaigns.
- 138 L. Group Messaging. The term “group messaging” shall mean any electronic
139 platforms that allow campaigns to communicate or coordinate with defined and
140 limited groups of people.
- 141 M. Student Governing Association Official. The term "Student Governing
142 Association Official" shall mean any individual holding one or more of the offices
143 listed in 01-0106.
- 144 N. Make Public. The term make public shall mean to publish on the KSU SGA
145 Elections website.
- 146 O. Major Offenses. The term “major offenses” shall include the following.
147 1. Tampering with ballots or the electronic election system.

- 148 2. Casting more than one ballot.
- 149 3. Allowing a person to cast a ballot in a name other than their own.
- 150 4. Deliberate submission of false or misleading information or deliberate
- 151 omission of information.
- 152 5. Failing to file required reports except as provided in 01-0109(F), 01-
- 153 0109(G), 01-0120(B)(1), and 01-0120(C)(1).
- 154 6. Harassment, intimidation, bribery, or fraud with the intent of affecting
- 155 the outcome of an election.
- 156 7. Libelous or slanderous statements or conduct.
- 157 8. Intentional actions to mislead or obstruct the Elections Committee in
- 158 the completion of their duties.
- 159 9. Encouraging the commission of a major offense under this Code.
- 160 10. Incurring campaign expenses that exceed the limit by more than five
- 161 percent.
- 162 11. Failing to comply with rulings or pay restitution.
- 163 12. Campaign materials or activities that are disorderly, lewd, or indecent;
- 164 breach the peace; or aid, abet, or procure another person to breach the
- 165 peace on university premises or at university-sponsored activities.
- 166 13. Failure to comply with the mass distribution regulation under 01-
- 167 0114(A)(1).
- 168 P. Minor Offenses. Minor offenses shall be defined as any other violations of this
- 169 Code other than those in 01-0102(O).
- 170 Q. Elections Board. The Elections Board shall be defined as voting members of the
- 171 Elections Committee.
- 172 R. Multi-Winner Election. The term “multi-winner election” shall mean any
- 173 election contest where multiple equivalent seats are up for election, such as the
- 174 election of more than one senator from the same college. For the avoidance of
- 175 doubt, any election where a ticket of candidates is elected to different positions
- 176 is not a multi-winner election.
- 177 S. *Instant-Runoff Voting. The term “instant-runoff voting method” shall mean the*
- 178 *ranked voting process described in Section 01-0112 and using the following*
- 179 *definitions:*
 - 180 1. *The term “continuing candidate” or “continuing ticket” shall mean a*
 - 181 *candidate or ticket which has not been eliminated or otherwise*
 - 182 *disqualified.*
 - 183 2. *The term “exhausted ballot” shall mean a ballot which does not rank any*
 - 184 *continuing candidate or ticket or has ranked more than one candidate*
 - 185 *with the same ranking.*
 - 186 3. *The term “continuing ballot” shall mean a ballot which is not an*
 - 187 *exhausted ballot.*
 - 188

SECTION 2. Chapter 01, Section 01-0109 of the Kansas State University Student Governing Association (KSU SGA) Statutes shall be amended to read as follows:

01-0109 Nomination of Candidates

A. Any person meeting the qualifications of 01-0108 may become a candidate by complying with the requirements outlined in this section.

B. Declaration of Candidacy. The Elections Commissioner shall determine the form of the declaration of candidacy. The declaration of candidacy shall include the name of the student, the student's Kansas State Wildcat Identification Number, the college the student is enrolled in, and the office being sought by the student. Any person seeking to have their name placed on the ballot as a candidate for Student Senator, member of the Board of Student Publications, and/or member of the Union Governing Board shall file a declaration of candidacy as required by the Elections Commissioner *by 5:00 p.m. on the Friday two weeks prior to the General Election.*

C. To be placed on the ballot, candidates for Student Body President must file a declaration of candidacy as required by the Elections Commissioner by 5:00 p.m. on the Friday ~~two weeks prior to the Primary Election~~ *two weeks prior to the General Election.* The declaration of candidacy shall include the name of the student, the student's Kansas State Wildcat Identification Number, and the primary college the student is enrolled in.

D. Student Body President candidates ~~that move on to the general election~~ must register their Vice-Presidential candidate *and social media accounts* as required by the Elections Commissioner no later than 5:00 pm on the Wednesday one week prior to the General Election. This registration shall include the name of the student, the student's Kansas State Wildcat Identification Number, and the *primary* college the student is enrolled in.

E. **Mandatory Meetings.**

1. ~~Each Primary Election candidate shall attend one of at least two mandatory meetings completed by 5:00 p.m. on the Tuesday of the week immediately prior to the Primary Election as specified by the Elections Commissioner. A candidate may be excused from this requirement only if the candidate has received written permission from the Elections Commissioner prior to the last scheduled meeting. Within 24 hours of the last mandatory meeting, presidential campaigns will have scheduled a one-on-one meeting with the Elections Commissioner to take place prior to the primary election date.~~

a. ~~Campaigns will register their social media accounts during the one-on-one meeting.~~

2. Each General Election candidate except candidates for Graduate Student Council offices shall attend one of at least two mandatory meetings, or shall view an informational video or transcript of the video prepared by the Elections Committee by 5:00 p.m. on the Tuesday one week prior to the general election as specified by the Elections Commissioner. A candidate may be excused from this requirement only if the candidate has received written permission from the Elections Commissioner prior to the last scheduled meeting.

F. Expense and Contribution Reports. Each candidate except candidates for Graduate Student Council offices shall file an expense and contribution report as specified in 01-0120.

G. Campaign Action Reports. Each presidential ticket shall file a campaign action report as specified in 01-0120.

H. Write-In Candidates. Write-in candidates shall not be required to attend the mandatory meeting or file the documents necessary under this section. However, write-in candidates shall be required to follow all other regulations within this Code and shall be subject to the penalties for violations as described in 01-0123.

I. Exceptions. Exceptions as to the date and time of a filing ~~requirement~~ *requirements* under this section may be made by the Elections Commissioner upon determination of reasonable circumstances in consultation with the Elections Committee.

SECTION 3. Chapter 01, Section 01-0111 of the KSU SGA Statutes shall be amended to read as follows:

01-0111 Ballots

A. Ballot Forms.

1. Provision. The Elections Commissioner shall provide an electronic ballot which shall contain spaces for all campus-wide offices to be elected as well as spaces for each referendum or initiative to be voted upon. The Elections Commissioner shall also provide an electronic ballot for each college which shall contain spaces for all college offices to be elected. Each student shall only be provided a ballot specific to the college in which their primary major is.
2. Listing. Candidates shall be listed on the ballot in random order. The name of the candidate shall be printed as requested by the candidate in his or her declaration of candidacy. At a minimum, candidates must use their last name as registered with the University.
3. Write-In Candidates. Write-in options shall be made available for each office ~~except the office of Student Body President/Vice President in the General Election~~. The number of write-in options shall be equal to the number of positions available for that office.

B. Ballot Inspection.

- ~~1. Primary. A sample ballot for the Primary Election shall be made available to the public for inspection in the Center for Student Involvement on the Friday prior to the Primary Election. Each candidate shall have the opportunity to verify the accuracy of the ballot prior to 4:00 p.m. that day.~~
- ~~2. General. Sample ballots for the General Election shall be made available to the public for inspection on the KSU SGA Elections Website and in the Center for Student Involvement on the Friday prior to the General Election. Each candidate shall have the opportunity to verify the accuracy of the sample ballots prior to 4:00 p.m. that day.~~

SECTION 4. Chapter 01, Section 01-0112 of the KSU SGA Statutes shall be amended to read as follows:

01-0112. Voting

- A. *Procedure.* Voting shall be by secret ballot. To receive a ballot, the voter must follow procedures outlined by the Elections Commissioner. The voter must mark the ballot according to the instructions on the ballot. The voter shall be responsible for submitting the completed ballot.

1. *Ranked Procedure. When marking a ballot which requires ranking, such as an instant-runoff ballot, the voter may rank one or more choices. The voter must mark "1" for their most preferred ticket or candidate, "2" for their next most preferred ticket or candidate, and continue in the same order until they reach the ticket or candidate they would like to rank lowest.*

A.B. Tabulation.

1. Method. Votes for all offices shall be counted electronically by the elections system. Vote totals shall not be released to anyone prior to the closing of the polls.
2. Vote Required for Election. The vote required for election to the office of Student Body President and Student Body Vice President shall be a majority of *preferences from continuing ballots* ~~the votes~~ cast in the General Election. The vote required for election to Student Senate, Board of Student Publications, and Union Governing Board shall be a plurality of votes cast.
3. *Procedure for Presidential Elections. Ballots in the election for the positions of Student Body President and Student Body Vice President shall be counted by the instant-runoff voting method, as described in this section.*
 - a. *A first round of counting shall be conducted consisting of the first preferences of all voters.*
 - b. *If a ticket for Student Body President and Student Body Vice President receives a majority of the preferences from continuing ballots in a round, that ticket shall be elected. If no ticket receives a majority of preferences from continuing ballots in a round, another round of counting shall be conducted in the manner prescribed below.*
 - c. *If more than one round is necessary, the following procedure shall be followed. The candidate in last place shall be eliminated and ballots counted for them recounted. Each continuing ballot shall be counted for the continuing ticket ranked the highest on the ballot.*
 - d. *If two or more tickets are tied for the fewest preferences at the start of a round of counting and the votes for all tied tickets combined are less than the preferences for the ticket with the next highest number of preferences, all tied tickets shall be eliminated at once. If the preferences for both tickets combined are greater than the ticket with the next highest number of preferences, the ticket to be eliminated shall be chosen randomly. The result of the resolution of a tie must be recorded and reused in the event of a recount.*
 - e. *If a ballot becomes exhausted, it shall not be counted in the same round or any following round.*

SECTION 5. Chapter 01, Section 01-0113 of the KSU SGA Statutes shall be amended to read as follows:

52-0113 Certification of Elections

~~A. Primary Election Procedures.~~

- ~~1. Announcement of Unofficial Results. Upon completion of the tabulation~~

of all votes cast in the Primary Election, the Elections Commissioner shall release the unofficial results. All candidates for the office of Student Body President will be immediately notified by the Elections Commissioner of the unofficial results.

2. Primary Election results shall be made official upon the signature of the Elections Commissioner.

3. Contested Elections.

a. All students qualified to vote in the elections shall have the power to contest elections results.

b. To contest an election, the person wishing to contest the election must file a complaint within 12 hours of the unofficial results being announced.

c. The complaint must allege a violation of the elections regulations that has caused the results of the election to be invalid.

d. The alleged violation causing the contest to be invalid may have been discovered at any time during the election process.

e. The contested election complaint shall be dealt with by the same process of all other complaint except in regards to appeals. Appeals may be made by any individual who was named a witness in the respective hearing.

B.A. General Election Procedures.

1. Announcement of Unofficial Results. Upon completion of the tabulation of all votes cast in the General Election, if necessary, the Elections Commissioner shall release the unofficial results. All candidates for the offices of Student Body President and Student Body Vice President will be immediately notified by the Elections Commissioner of the unofficial results.

2. Submission to Student Senate. The Elections Commissioner shall submit the unofficial General Election results to the Senate Operations Standing Committee. The Senate Operations Standing Committee shall ~~author~~ *sponsor* a resolution for submission to the Student Senate at the second regular meeting of the Student Senate following the General Election. Races in which the Elections Commissioner does not believe the results are valid due to pending questions shall not be submitted by the above deadline.

3. Adoption by Student Senate. The unofficial results shall become official upon their adoption by a majority vote of the Student Senate. Student Senate shall not amend the submitted election results.

4. Annulment. If, after adoption by a majority vote of the Student Senate, material evidence is discovered to find any election results in doubt, the Student Tribunal may annul the affected sections of the adopted elections results.

5. Contested Elections.

a. All students qualified to vote in the elections shall have the power to contest elections results.

b. To contest an election, the person wishing to contest the election must file a complaint within 12 hours of the unofficial results being announced.

c. The complaint must allege a violation of the elections regulations that has caused the results of the election to be invalid.

d. The alleged violation causing the contest to be invalid may have

- 388 been discovered at any time during the election process.
 389 e. The contested election complaint shall be dealt with by the same
 390 process of all other complaint except in regards to appeals.
 391 Appeals may be made by any individual who was named a
 392 witness in the respective hearing.
 393

394 **SECTION 6.** Chapter 01, Section 01-0114 of the KSU SGA Statutes shall be amended to read as
 395 follows:
 396

397 **01-0114 Campaign Materials**

398 **A. Time Limited Materials.**

- 399 1. Chalking, Banners, and Posters. ~~Candidates in the Primary Election may~~
 400 ~~begin to display chalking, banners, and posters after 5:00 p.m. on the~~
 401 ~~Tuesday of the week immediately prior to the Primary Election.~~
 402 Candidates in the General Election may begin to display chalking,
 403 banners, and posters after 5:00 p.m. on the Tuesday 8:00 a.m. on the
 404 Monday two weeks prior to the General Election.
 405 2. Tables. ~~Tables may be established by Primary Election candidates~~
 406 ~~beginning on the Thursday immediately prior to the Primary Election.~~
 407 Tables may be established by General Election candidates beginning on
 408 the Thursday Monday two weeks prior to the General Election. Primary
 409 Election candidates who qualify for the general election may continue to
 410 table the weeks following the primary election. All tables are to be
 411 removed during the weekends and immediately following the completion
 412 of the respective elections General Election.
 413 3. Removal. ~~Primary Election candidates failing to qualify for the General~~
 414 ~~Election shall remove all campaign materials from campus property by~~
 415 ~~7:00 p.m. the day following the completion of the Primary Election.~~ All
 416 General Election candidates shall remove campaign materials from
 417 campus property by 7:00 p.m. the day following the completion of the
 418 General Election.
 419 4. For ~~general election~~ candidates not seeking a student body president or
 420 student body vice president position, campaign and campaign materials,
 421 such as stickers, buttons, T-shirts, websites and other materials not listed
 422 in these regulations, shall not be dispersed or publicized until 8:00 a.m.
 423 on the Monday two weeks prior to the General Election. ~~the primary~~
 424 ~~elections are closed.~~
 425 5. For ~~primary and general election~~ candidates seeking a student body
 426 president or student body vice president position, campaign and
 427 campaign materials, such as stickers, buttons, T-shirts, websites, and
 428 other materials not listed in these regulations, shall not be dispersed or
 429 publicized until 8:00 a.m. on the Monday two weeks prior to the General
 430 Election 8:00 a.m. on the first day of classes of the spring semester.

431 **B. Tables.**

- 432 1. Tables may be set up in the K-State Student Union for all candidates.
 433 2. Tables may be set up in additional buildings for Student Body
 434 Presidential candidates as established by the Elections Committee,
 435 including, but not limited to, Hale Library, Leadership Studies Building,
 436 Chester E. Peters Recreation Complex, and dining centers.
 437 3. Tables in the K-State Student Union may only be set up in accordance
 438 with Union Governing Board policy and must be staffed at all times
 439 when in use.

4. The Elections Committee will establish as many tables for presidential candidates as needed, chosen randomly ~~in both elections~~, and rotating the position of each candidate at the tables daily.
5. ~~Candidates for Student Senate or campus-wide positions may establish tables in the K-State Student Union on the Monday one week prior to the General Election in accordance with this section.~~

C. Posters.

1. Definition. The term "poster" shall be defined as any paper campaign material affixed to a wall or stationary object.
2. Size. Posters shall be no larger than 16" x 22", except for those posters placed on portable bulletin boards located within the Student Union, which shall no larger than 8.5" x 11".
3. Display. Posters may only be tied to trees, affixed to residence hall doors per 01-0116(B), or tacked to bulletin boards in campus buildings.
4. Overlaying. Overlaying of posters is strictly prohibited.
5. Outside Display. When used for outside display, posters must be printed on card stock paper and secured on all four corners.
6. No posters shall be allowed within 30 feet of the entrances to any non-residence hall building on campus.
7. Posters printed through non-retail services will be expensed at the current rate for provided by K-State Printing Services.

D. Banners.

1. Definition. The term "banner" shall be defined as any type of sign larger than a poster.
2. Limited Use. Banners may be used only by candidates for the offices of the Student Body President and Student Body Vice President.
3. Securing. Banners must be secured on all four corners and must not impede the flow of traffic through campus.
4. Location. Banners may only be displayed as designated by the Elections Committee, determined by lottery for each candidate's location.
5. Banners shall be rotated in an equitable manner as determined by the Elections Commissioner.

E. Chalking.

1. Chalking is permitted only on sidewalks. Chalking is not permitted on stairs and any area not generally intended as a pathway for pedestrians.
2. The use of "liquid chalk," or any other permanent or semi-permanent material is prohibited.
3. No chalking is allowed within 30 feet of the entrance to any building on campus.
4. No chalking is allowed on the upper terrace of the Bosco Student Plaza.

- F. Stickers and Buttons. Stickers and buttons shall only be placed on personal property.

SECTION 7. Chapter 01, Section 01-0119 of the KSU SGA Statutes shall be amended to read as follows:

01-0119 Campaign Expenses and Contributions

A. Definition. The term "campaign expense" shall mean the retail value of any obligations incurred, the retail value of any goods or services donated, and any actual funds utilized to promote or oppose the election of any individual to any office under this code. This definition shall include the value of any

discounts not available to the general public and the retail value of any services donated. This definition shall not include any fines assessed under this Code.

1. The full amount of any item that is used by more than one candidate or campaign shall be listed as an expense on each candidate or campaign's expense report unless said candidate is filing reports jointly according to 01-0120.

B. Personal Contributions Limited. The value of labor by a candidate or registered campaign staff, professional or otherwise, is not to be expensed or included as personal contributions. Any contribution to a candidate from a business or non-student shall count towards the personal contribution limit. The maximum amount any candidate may contribute toward their campaign shall be as follows:

1. The total amount a presidential ticket may contribute towards its campaign including any contributions from sources other than qualified students of Kansas State University shall be no more than \$300.00 for the Primary election and no more than \$600.00 for both the Primary and General elections. At no point may candidates advance funds in excess of the funds above toward their campaign, even if the individual(s) makes the excess amount back in third-party contributions.
2. The total amount a candidate for Union Governing Board or the Board of Student Publications may contribute towards their campaign including any contributions from sources other than qualified students of Kansas State University shall be no more than \$125.00 for the General Election.
3. The total amount a candidate for Student Senate may contribute towards their campaign including any contributions from sources other than qualified students of Kansas State University shall be no more than \$50.00.

C. Contributions Limited. Contributions to any candidate may only be accepted if the contribution is being received from a qualified student of Kansas State University (as determined under the Code through 01-0103), and limits for all contributions other than personal contributions shall be as follows:

1. Each Presidential Ticket shall not accept more than \$20.00 from any other student.
2. Each candidate for Union Governing Board, the Board of Student Publications, Student Senate, or College Council shall not accept more than \$5.00 from any other student.

D. Sources of Values. The candidate shall be responsible for justifying the value of any services received or amounts spent, either through receipt or other reasonable means as determined by the Elections Board.

SECTION 8. Chapter 01, Section 01-0120 of the KSU SGA Statutes shall be amended to read as follows:

01-0120 Reporting Requirements

A. Common Reporting Requirements.

1. ~~Deadlines. Primary Election candidates shall be required to submit all required reports to the Center for Student Involvement no later than 4:00 pm on the Friday prior to the Primary Election.~~ General Election candidates shall be required to submit all required reports to the Center for Student Involvement no later than 4:00 pm on the Friday prior to the General Election.

2. Verification. A member of the Elections Committee and the Elections Commissioner shall review all required reports in order to check for accuracy and completeness. The Elections Commissioner has the authority to make final judgments on completeness of reporting or cost of items where evidence of cost is absent.

3. ~~All requested reports for Primary Election candidates must be submitted by the Elections Commissioner to all persons requesting by 5:00 pm on the Sunday prior to the Primary Election.~~ All requested reports for General Election candidates must be submitted by the Elections Commissioner to all persons requesting by 5:00 pm on the Sunday prior to the General Election.

4. Filing Jointly. If a candidate in a multi-winner election has exactly the same expenses (including shared expenses) as other candidate(s) and has only participated in campaign actions with those candidate(s), then the candidates may file required reports by submitting only one copy of the reports to the Elections Commissioner. This copy must contain the names of all candidates who are filing jointly. No candidate may file jointly with multiple groups of candidates.

B. Expense and Contribution Reports.

1. Candidates who do not have any expenses and have no contributions shall not be required to fill out an expense and contribution report. If evidence of expenses for these candidates are found, it will be treated as a major offense. The Elections Commissioner shall be responsible for the provision of standardized expense and contribution report forms. An expense and contribution report must be submitted by a candidate for each office the student is a candidate for.

2. Content. Expense and contribution reports shall itemize all campaign expenses, and the fair market value of each item listed as determined whether by receipt, proof of purchase, or when unavailable, according to those criteria and requirements of 01-0119. All campaign expenses must be incurred or contractually agreed upon before each expense report deadline, and no expense can be incurred after each report is turned in unless the expense was contractually agreed on before the report was turned in. The contribution section of the report shall itemize each amount contributed to the campaign, the name of the donor, and any other information deemed necessary by the Elections Commissioner.

C. Campaign Action Reports

1. Candidates who do not have any campaign action to report shall not be required to fill out a campaign action report. If evidence of campaign actions for these candidates are found, it will be treated as a major offense. The Elections Commissioner shall be responsible for the provision of standardized campaign action report forms.

2. Content. Campaign action reports shall contain a list of campaign actions, the date and time of and participants in each campaign action, a list of campaign staff and a short description of their

duties, and any other information deemed necessary by the Elections Commissioner.

- a. The list of campaign actions shall include all campaign actions except for the exceptions below, including planned campaign actions that will take place after the submission deadline and the existence of all campaign-organized social media or public-facing group messaging accounts.
- b. Exceptions. The list of campaign actions does not need to include individual social media or group messaging posts.
- c. Participants recorded must include Campaign Staff and Campaign Workers.
- d. Records must include detailed descriptions of the campaign actions taken.

SECTION 9. Chapter 01, Section 01-0123 of the KSU SGA Statutes shall be amended to read as follows:

01-0123 Determination of Violation

A. Within three hours of the completion of the hearing, the Elections Board shall, with the counsel of the KSU SGA Legislative Branch Advisor or their designee, make a determination of whether or not a violation of the code was committed and, in the event that a violation did occur, shall determine a reasonable penalty for the violation under those restrictions as set forth in this section.

B. The Elections Commissioner shall notify the respondent, the party who filed the complaint, and make public the determination.

C. Penalties. In determining penalties the Elections Board shall consider repeat violations and the number of violations incurred by a campaign.

1. Major Offenses. Upon the determination by the Elections Board of a major offense, the Elections Board may cause the disqualification of such candidate(s) from the ~~Primary Election or General Election~~ or other penalties as deemed appropriate.

a. Disqualifications.

1. Any candidate who fails to file any required report for a position shall be disqualified from that position by the Elections Board except as provided in 01-0109(~~FF~~) and 01-0109(G).
- ~~2. Any non-advancing Primary Election candidate who fails to remove their primary election campaign materials by the deadline in 01-0114(A)3. may be disqualified by the Elections Board from any other office governed by these regulations in the current year.~~
- 3.2. Individuals who have been disqualified by the Elections Board or Student Tribunal from the ~~Primary or General Election~~ shall not be elected as a write-in candidate for the position from which they were disqualified.
- ~~4. Upon the disqualification or withdrawal of a Student Body President Candidate following the Primary Election, the next highest vote receiver from the Primary~~

~~Election will be placed on the General Election ballot.~~

2. Minor Offenses. Upon the determination by the Elections Board of a minor offense, the Elections Board may impose such penalties as deemed appropriate.
3. No fines shall be levied as punishment for any violations committed under this code. This does not include such payments of restitution as may be deemed appropriate in the case of destruction or damage of property.
4. In cases of destruction or damage to campaign materials or election equipment by a candidate or campaign, the Elections Board may order restitution for damaged items to those parties whose materials were so damaged.
5. Upon determination of an offense committed by a student who is not a candidate, including destruction of or damage to campaign materials or election equipment, the Elections Commissioner may refer the case to the Attorney General for resolution within the judicial system.
6. In assessing penalties, the Elections Board shall consider the severity of the violation or any mitigating factors that may be involved in the situation as well as any cooperation provided by any person so involved.

SECTION 10. Chapter 01, Section 01-0104 of the KSU SGA Statutes shall be struck and the following sections and any section references in Chapter 01 of the KSU SGA Statutes re-numbered appropriately.

SECTION 11. KSU SGA directs the 2021-2022 KSU SGA Elections Commissioner and Elections Committee to prioritize developing resources to explain the Instant Runoff Voting process to KSU students and candidates.


SECTION 12. KSU SGA authorizes and directs the KSU SGA Treasurer to use no more than \$4,000 of KSU SGA funds in order to fund the development of Instant Runoff Voting through the KSU SGA Elections System.

SECTION 13. This amendment shall take effect upon passage by the Student Senate and signature of the Student Body President.


BILL 21/22/12 PASSED 48-1-0 ON OCTOBER 7TH, 2021.

I hereby verify that the above-printed bill is correct

I hereby approve this bill.

 10/8/21
Blake Phillips, Speaker of the Student Senate Date



 10/8/21
Michael Dowd, Student Body President Date