



**UNIVERSITY OF GUAM
UNIBETSEDÁT GUÅHAN
Board of Regents**

Resolution No. 18-38

**RELATIVE TO APPROVING THE PROPOSED AMENDMENTS TO THE STUDENT REGENT
ELECTION REGULATIONS**

WHEREAS, the University of Guam (UOG) is the primary U.S. Land Grant institution accredited by the Western Association of Schools and Colleges Senior College and University Commission (WSCUC) serving the post-secondary needs of the people of Guam and the Western Pacific region;

WHEREAS, in accordance with Title 17 Guam Code Annotated, Section 16104, the government and control of UOG is vested in the Board of Regents (BOR) of UOG;

WHEREAS, in accordance with Guam public law, it is mandated that the student member of the BOR shall be elected through a process approved by the Student Government Association (SGA) and approved by the BOR;

WHEREAS, amendments have been proposed by UOG in consultation with the SGA to the Student Regent Election Regulations;

WHEREAS, the SGA, in its meeting of October 5, 2018, ratified and approved the amended Student Regent Election Regulations; and

WHEREAS, the BOR Student Affairs, Scholarships, Alumni Relations and Honorary Degree (SASARHD) Committee has reviewed the amended Student Regent Election Regulations and recommends it to the BOR for approval.


NOW, THEREFORE, BE IT RESOLVED, that the BOR hereby approves the amended Student Regent Election Regulations as hereto attached.

Adopted this 15th day of November 2018.



Christopher K. Felix, Chairperson

ATTESTED:



Thomas W. Krise, Ph.D., Executive Secretary

UNIVERSITY OF GUAM STUDENT REGENT ELECTION REGULATIONS

November 15, 2018

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BACKGROUND

These regulations were developed with student participation and first ratified by the 40th Student Government Association (SGA) Council on February 4, 2002 and further amended by the 57th SGA Council on October 5, 2018. After extensive review and feedback by the Administration, they are hereby approved by the Board of Regents (BOR) to establish a consistent structure for student regent elections at the University of Guam (UOG). This document was designed to incorporate an active feedback process to allow the election process to improve and adjust to future student needs. The right for students to participate in Student Regent Elections is an important one. These Student Regent Election Regulations seek to protect student voting rights and clarify the election process.

SECTION 1

General Provisions - Definitions

- A. Candidate: A student regent candidate is one who seeks the office of Student Regent and meets the criteria as specified in Guam law (Section 16104.6 of Chapter 16, Division 3, of Title 17 of the Guam Code Annotated) and by BOR resolutions.
- B. Electioneering: As defined in these rules electioneering is the activity of trying to persuade people to vote for a particular candidate. Physical presence or loitering of a candidate or candidate representative is inclusive of electioneering. Physical presence for the specific purpose of voting is not inclusive of electioneering as long it occurs in

a reasonable timeframe in which one arrives, votes, and departs a polling place without trying to persuade people to vote while in the process of voting.

- C. Voter: Full time or part-time students currently enrolled at UOG on the Election Days.
- D. Vote Tabulating Device: A vote tabulating device is a mechanical, electronic or electromechanical machine approved by the Student Election Committee to count ballots for the Student Regent election at UOG.
- E. Marking of Ballot: A mark or marking indicating the voter's choice on a ballot which shall include the punching or slotting or otherwise marking of a ballot. The shape of the place to mark the ballot (i.e.; square, circle, oval, etc) may vary as long as it is consistent for all candidates on the ballot.
- F. Polling place: UOG will be considered a single precinct with a single polling place. The following terms may be used to express the single voting site in this document: voting place, voting site, poll site, poll place, polling place, and polling site.
- G. President: Unless otherwise specified, the President shall mean the UOG President.
- H. Student Election Committee (SEC): The Committee, so designated in the UOG SGA Bylaws, is responsible for all general and special elections and any matters delegated to the Committee by the SGA Council, in accordance with the SGA Constitution.

SECTION 2

Voters

- A. Full-time and part-time students who are currently enrolled at UOG are eligible to vote in Student Regent Elections.
- B. Any dispute related to voting eligibility shall be directed to members of the SEC for processing and consideration. SEC members will consult the Registrar, who is the only university official who can determine a person's status as a student. Challenges made at the polling site on election day(s) shall be determined by the Registrar.
- C. Questions of candidate eligibility shall concern only: (a) a determination of full-time status; (b) whether candidate has completed one (1) year of study (at least thirty (30) credits); and/or (c) whether a student has maintained good academic standing as defined by the BOR. This can only be resolved by the Registrar's office. Any SEC decision on eligibility requirements is subject to certification by the Registrar.

SECTION 3

Polling Place

- A. Designation of Polling Place. The SEC shall, not less than ten (10) business days prior to the date set for any Student Regent election, designate, announce, and publish the location of the single polling site within the UOG campus where the ballots for the Student Regent elections shall be cast.
- B. Change of Designated Polling Place. If, for any valid reason, the polling place designated for any election cannot be used, the SEC shall designate another polling place, post notice of the change at or near the place first designated, immediately inform the UOG Administration and the SGA, and conduct the election at the place substituted.

SECTION 4

Election Days And Dates

- A. Student Elections for Student Regent. Provisions in Guam law and BOR resolutions are the controlling references for this section. Student elections for the Student Regent position shall be held on a date(s) set by the Chairperson of the BOR or by BOR resolution. Currently, the law and BOR resolution require a Student Regent election be held on the first Tuesday in March of each even numbered year.
- B. Postponement of Election. If for serious cause resulting from any serious public safety concerns (which include, but are not limited to natural disasters, fires, gas leaks, etc, it becomes reasonably impossible to hold any election duly scheduled at UOG, the President, with consultation of the SGA Council, may postpone any such election therein for such time as may be deemed necessary, but as soon as is reasonably possible. According to current public Law, the Student Regent election must occur in the month of March.

SECTION 5

Candidates For Office

- A. Term of Office. The student regent shall serve a term of two (2) years as set forth in Guam law.
- B. Declaration of Candidacy. A student who wants to declare his/her candidacy shall file with the SEC a declaration in writing setting forth his/her candidacy for Student Regent, stating that he/she is eligible for such office pursuant to 17 GCA §16104.6, and his/her contact information, including his/her official UOG student e-mail address (gotriton). Eligibility for a Student Regent:
 - a. Shall be a full-time student at UOG

- b. Have completed one (1) year of study (at least thirty (30) credits)
 - c. Maintained good academic standing, defined as having a 2.5 cumulative grade point average, and not having been placed on academic probation, suspension, or dismissal
- C. Filing of Declarations of Candidacy and of Petitions. Not more than ninety (90) calendar days and no less than ten (10) calendar days before a regular student regent election, candidates for the student regent office shall file their declarations of candidacy and petitions with the SEC which shall post on campus the names of all candidates. In accordance with 17 GCA §16104.6, "Any student member candidates must be nominated by a petition signed by one hundred (100) students attending the University of Guam."
- D. Distribution of Regulations. These regulations, upon approval, shall be distributed to each candidate by the SEC upon declaration of candidacy and, if possible, be posted on the UOG website.

SECTION 6

Ballots

- A. Imitation or Use of Ballots Forbidden. No person shall make, use, keep or furnish to others any paper in imitation of official ballots.
- B. Method of Tabulating Ballots. The SEC shall determine the appropriate method of casting ballots, method of tabulating ballots, and the appropriate vote tabulating device or manual tabulating method.
- C. Sample ballots will not be used.
- D. Order of Names on Ballot. The names of all nominees or candidates for a specific office shall be listed in a random manner. Each candidate shall be listed according to lot drawn by the SEC. All drawings for ballot position shall be done publicly and persons appearing on the ballot shall be specifically invited to attend. The drawings for ballot placement shall be accomplished two business days after the identity of the persons to appear on the ballot is known to the SEC. The names of the candidates shall appear in a vertical column in such order as is determined by lot.
- E. Space for Marking Ballot. Immediately adjacent to the name of each candidate shall be placed ovals or squares or other shapes of sufficient size for the placing of a mark therein. A clear and distinct mark within the oval or square adjacent to the name of any candidate shall be counted as a vote for that nominee. In the case of mechanical or electronic ballot forms, a mark in the square or oval that corresponds with a candidate's name

according to the number on the information provided shall be counted as a vote for that nominee.

- F. Number for Ballots. The SEC shall decide the number of total ballots to be printed and how many may be distributed each day. The SEC shall ensure that the number of ballots printed are all accounted for at the conclusion of the election.
- G. Loss or Destruction of Ballots. In case of the prevention of an election by the loss or the destruction of the ballots, the SEC shall order new ones to be copied and continue with the election.
- H. Instructions to Voters. At the top of the ballot or on the information provided to the voter, there shall be printed an instruction to the voters, as to the number of nominees to vote for, the marks to be used, including a sample of the marks and such other instructions the SEC deems necessary and proper.
- I. Nicknames, Residence, etc. Any person who is a candidate for student regent may, at the time of filing his/her nominating petition, file with the Student Election Committee a request that his/her name be further identified on the ballot by the addition of an identifying word or phrase, not derogatory or obscene (as determined by the Committee), and not exceeding twenty (20) letters. The Committee shall have the authority on its own motion and in its discretion to so identify names on the ballot in accordance with information available to the committee.
- J. Additional Ballots. In the event that additional ballots are required to accommodate voters, the following procedure will be used to supplement the ballot pool.
 - a. The SEC members present must reach a consensus that additional ballots are or may be needed.
 - b. The SEC members present shall announce this fact in public within hearing of the observers present.
 - c. Additional ballots will be procured.
 - d. The SEC members present will amend the election record to reflect that additional ballots were required, specifying the number added.

SECTION 7

Election Campaigns and Campaign Offenses

- A. Candidates will refrain from making promises to supporters that involve direct financial benefits in return for their support.

- B. Allegations of improper campaigning must be reported to the SEC as soon as the alleged action is known, to allow the SEC to review the allegation and take appropriate action or provide corrective advice.

SECTION 8

Conduct of Elections

- A. Polling Place. The polling place shall be arranged so that neither the ballot boxes nor tables shall be hidden from the view of voters outside the guardrail, rope or other barricade.
- B. Destruction or Removal of Facilities. No person shall, during an election, remove or destroy any of the supplies or other conveniences placed in the voting booths or on the tables for the purpose of enabling the voter to prepare his/her ballot.
- C. Removal or Injury of Instruction Cards. No person shall, during an election, remove, tear down or deface the cards printed for the instruction of voters.
- D. Posting Instruction Cards. On the day of election the SEC shall post at least one (1) instruction card in each booth or table provided for the preparation of the ballots, and not less than three (3) instruction cards at other places in and about the polling place within easy access to the voters. If needed, voters may ask for language assistance.
- E. Student Registry. Before opening the polls, the SEC shall place in a convenient place, at or near the polling place and of easy access to the SEC, not less than one (1) copy of the registry or roster of eligible students which shall be obtained from the Registrar by the SEC. Due to Federal Regulations, specifically the Family Educational Rights and Privacy Act (FERPA), only SEC members who are employees of UOG may certify eligibility of voters at the polling place using the registry provided by the Registrar. Students are identified by their UOG Student Identification (ID) card.
- F. Proclamation of Opening Polls. Before the polling place receives any ballots it shall proclaim aloud at the place of election that the polls are open.
- G. Time for Opening and Closing Polls. The polls shall be opened at 8 o'clock a.m., on the day(s) of an election and shall be kept open until 8 o'clock p.m., on the same day(s), after which time the polls shall be closed.
- H. Times for Voting. Voting may commence as soon as the polls are opened and may be continued during all the time the polls remain open.
- I. Solicitation of Votes at Polling Place Prohibited. Within one hundred feet (100') of a polling place, no person shall solicit a vote or speak to a voter on the subject of marking his/her ballot or on behalf of or against any candidate. The candidates for Student Regent shall only be in the voting area long enough to vote. Offices and

facilities within the limits of the voting site will be available for use by the candidates for official business (not as a hangout area), but campaigning/electioneering or discussion of the election are not permitted during election day(s) in those offices and facilities.

- J. Electioneering at Polling Place Prohibited. No person shall do any electioneering on election day(s) within one hundred feet (100') of any entrance and/or exit of any polling place. At least three (3) days before an election, an SEC designee will mark the 100' line. Candidates may attend the marking. SEC members or designees will enforce this rule.
- K. Use of Barricade Before Booths. A guard-rail, rope or other barricade, shall be constructed and placed so that only those persons who are inside the barricade can approach within six feet (6') of the ballot boxes, booths, tables or other facilities for voting.
- L. Persons Permitted Within Barricade. Only voters engaged in receiving, preparing or depositing their ballots, and the SEC members shall be the only ones permitted to be within the barricade after the opening and before the closing of the polls. Poll watchers may be required to observe from a convenient location outside of the barricade. All poll watchers must follow the solicitation and electioneering regulation.
- M. Exhibiting Ballot Box. Before receiving any ballots, the SEC shall, in the presence of any voters assembled at the polling place, open and exhibit and close the ballot box. The ballot box shall be secured by two key locks, the key to one lock shall be held by the President or designee and the key to the second lock shall be held by an SEC member. Thereafter, the ballot box shall not be removed from the polling place or the presence of the voters until after the polls are finally closed. However, if the election is conducted over two days, the ballot box shall be stored securely in the office of the Dean of Enrollment Management and Student Success (EMSS) or its successor, or any alternative secure location mutually agreed by the Dean of EMSS and the SEC. During such storage, a tape seal shall be placed over the slot in the ballot box and signed by the holders of the keys to the two locks.
- N. Roster and Tally List. The roster and tally list will be kept until the election is certified and all claims or disputes are settled.
- O. Presence of Election Officers. At least two (2) members of the SEC shall be present at the polling place at any given time.
- P. Grounds for Challenge. A person who wishes to vote may be orally challenged by any voter upon one or all of the following grounds:
 - a. That he/she is not the person whose name appears on the register, based on the presentation of a UOG student ID card.

- b. That he/she is not a registered student at UOG.
 - c. That he/she has already voted in the current election.
- Q. Record on Challenges. The SEC shall keep a list, showing:
- a. The names of all persons challenged.
 - b. The names of all challengers.
 - c. The grounds of each challenge.
 - d. The determination of the SEC members present upon the challenge.
- R. ADA reasonable accommodation requests may be made to any SEC member. Persons requiring reasonable accommodations may be assisted by other persons at the poll site.
- S. Reporting of Name and Signing Roster. Any person who wishes to vote shall report his/her name in full and show his/her UOG student ID card to the recording officer. One of the members of the SEC shall then check with the roster of enrolled students and announce the name appearing therein, if any, whereupon a challenge may be interposed. If the voter goes unchallenged, or if challenged and the SEC members present rule that the voter is qualified to vote, the voter shall then sign the roster.
- T. Fraudulent Voting. Every person not entitled to vote who fraudulently votes, and every person who votes more than once at any one election, will be referred to the student discipline committee.
- U. Change of Name. In case the surname of anyone wishing to vote has been changed for any reason (such as marriage or divorce) since he/she has registered, he/she shall report his/her name as it is listed at the time of registration and also his/her name as it is at the time he/she votes. The SEC shall thereupon make the necessary adjustment in the register, indicating the reason for the change therein, and report it to the Registrar.
- V. One Ballot to Each Voter. Only one (1) ballot shall be given each voter.
- W. Delivery of Ballot by Election Officer Only. No person, other than an SEC member, shall give or deliver any ballot to any voter.
- X. Only one (1) Person in Booth. Booths shall not be occupied by more than one (1) person at a time. Voters shall not remain in or occupy a booth longer than is necessary to prepare their ballots, which shall not exceed five (5) minutes. This rule may be waived for person requiring reasonable accommodations.

- Y. Voting in Booth. On receiving his/her ballot, the voter shall forthwith, and without leaving the enclosed space, retire alone to one of the places, booth or tables, provided to prepare his/her ballot:
- a. Indicating Vote. In voting, the voter shall place the appropriate mark in the voting square or space adjacent to the name of any candidate for whom he/she intends to vote.
 - b. Identifying Marks Prohibited. A voter shall not place any mark upon his/her ballot by which it may be afterwards identified as the one voted by him/her.
 - c. Revealing Ballot Prohibited. After his/her ballot is marked a voter shall not show it to any person in such a way as to reveal its contents.
 - d. Delivery of Ballot. Having completed marking his/her ballot the voter shall then deposit the ballot in the ballot box under the cognizance of the member of the SEC having charge of the ballot box.
 - e. Exit Polling: Any exit polling activities may not violate the 100' rule.
 - f. Absentee voting is not allowed.

SECTION 9

Vote Tabulation & Declaration of Results

- A. Application of Section. Unless otherwise indicated, the provisions of this Section shall apply to Student Regent Elections.
- B. SEC Members Present at Close of Polls. At least two (2) SEC members shall be present at the closing of the polls.
- C. Opening Boxes and Counting Ballots. The ballot box shall not be opened, nor shall the ballots be counted until the box is moved to the designated election center.
- D. Ballots Exceeding Number on Roster. After conducting cross-checks, if the ballots in the box exceed in number the names on the roster, a notation will be made in the formal election record.
- E. Signing Roster. Only the SEC members counting the ballots shall sign the roster, as to the number of ballots agreeing or made thus to agree with the number of names on the roster. The SEC shall attest to the roster and shall set down in words and figures at the foot of the roster an attestation of the number of names on the roster. If a discrepancy exists, a notation will be made in the election file.

- F. Rejected Illegal Ballots. Two (2) SEC members shall endorse upon all ballots rejected for illegality the cause of rejection and sign the endorsement.
- G. Delivery of Ballots to Election Center. The ballot box with the roster and all endorsements and rejected ballots shall be delivered to the election center for tabulation. Representatives of the individual candidates are authorized to accompany the ballots from the poll site to the election center. Representatives of the individual candidates (one (1) per candidate) are authorized to observe the ballot tabulation or ballot handling processes. All observers must remain behind the barrier. All ballot correction activities shall be done in full view of the observers. All observers must follow the directions of the SEC while in the election center.
- H. Election Return Center. The SEC may use the UOG Computer Center for the tabulation of votes and publication of returns.
- I. Vote Tabulating Device: Mode of Tallying. The SEC may appoint such persons as may be necessary for the tabulation of ballots and/or for the operation of the vote tabulating device and to keep watch on such tabulation for any possible illegal vote or any error or omission on the part of the persons tabulating the ballots or operating the vote tabulating device. SEC members are the only persons authorized to handle ballots.
- J. Tabulating at the Poll Site. Ballots will be tabulated only at the election center.
- K. Imperfectly Marked Ballots Void. Any ballot which is not marked as provided by the rules shall be void; but the ballot shall be preserved. Two (2) or more markings in the voting square or a mark made partly within and partly without a voting square or space does not make a ballot void. If the SEC members assigned to tabulating the ballots can reasonably determine the intent of the voter, the ballot is valid. Any determinations of intent shall be noted in the official election file.
- L. Defective Ballots. If a ballot is torn, bent, mutilated or otherwise defective so that it cannot be so tabulated by vote tabulating machine, the SEC may cause a duplicate to be punched, slotted or otherwise marked in the presence of witnesses. Both the new ballot and the defective ballot shall be marked with a serial number and the new ballot shall bear the words "duplicate - serial number ____."
- M. Ballot Not Rejected for Technical Error. At any election, a ballot shall not be rejected for any technical error which does not render it impossible to determine the voter's choice, even though the ballot is somewhat soiled or defaced.
- N. Write-in Votes. There are no write-in votes allowed because of the specific nature of this election.
- O. Unauthorized Marks on Ballot. No mark upon a ballot which is unauthorized by this regulation invalidates a ballot, unless it appears that the mark was placed there by the voter for the purpose of identifying the ballot.

- P. Adding to Ballots in Box. Every person who changes any ballot after it has been deposited in the ballot box, or adds, or attempts to add, any ballot to those legally polled at any election, by fraudulent introduction of a ballot into the ballot box either before or after the ballots have been counted shall be brought by the SEC before the Student Discipline and Appeals Committee for action.
- Q. Adding Ballots during Count. Any person who adds to or mixes with or attempts to add to or mix with, the ballots lawfully polled, any other ballots with intent to change the result of an election will be brought by the SEC before the Student Discipline and Appeals Committee for action.
- R. Taking or Destroying Ballots. Any person who carries away or destroys, or attempts to carry away or destroy, any poll list or ballot, or ballot box for the purpose of preventing, affecting the result of or invalidating any election, or willfully detains, mutilates or destroys any election return, will be brought by the SEC before the Student Discipline and Appeals Committee for action.
- S. Interference with SEC or Voters. Any person who in any manner so interferes with the SEC or any members thereof, holding any student election, or interferes with the voters lawfully exercising their right of voting at any student election, as to prevent or attempt to prevent the election or canvass from being fairly held and lawfully conducted, will be brought by the SEC before the Student Discipline and Appeals Committee for action.
- T. Removing or Defacing Results Posted. Every person who removes or defaces any posted copy of the result of votes cast will be brought by the SEC before the Student Discipline and Appeals Committee for action.
- U. Sealing Counted Ballots. As soon as the names marked on the ballots validly voted are tabulated, such ballots shall not thereafter be examined by any person, except upon a recount as provided in this Section, but shall, as soon as all of the votes are tabulated, be carefully sealed in a strong envelope with the election information thereon. At least two (2) members of the SEC shall write their names across the seal. This information shall be kept in the official election file and maintained at the Office of the Dean of EMSS.
- V. Certification of Election. As soon as all the votes for a Student Regent election are counted, but within one day, and the ballots sealed, the SEC shall report the results of the election to the Chairperson of the BOR via the Dean of EMSS, Senior Vice President for Academic and Student Affairs and the President. The report shall be signed by a majority of the SEC members present at a meeting of the SEC having a quorum present.
- W. Calculating Student Regent Vote Winner. The Student Regent candidate receiving the highest number of votes cast at an election of all students registered at UOG whether full-time or part-time will be declared the winner based on the following criteria:

- a. At least ten percent (10%) of all registered students at UOG must vote in the election of the student member of the BOR.
 - b. In an election with no more than two (2) candidates, at least forty percent (40%) of the votes must be acquired by any one (1) candidate in order for the election to be declared valid.
 - c. In an election with three (3) or more candidates, a plurality, or the greater number, of all votes cast for any one candidate shall be used to determine the winner of the election.
- X. Delivery of Certification of Election. The SEC shall cause to be posted in public near the polling place a copy of the certification of the election results.
- Y. Tabulation and Publication of Election Results. Immediately upon tabulation of each of the votes, the SEC shall tabulate or cause to be tabulated the cumulative results and make these tentative, uncertified results known to the public:
- a. Returns Open to Public Inspection. Immediately upon completion of the tabulation by the SEC of all the ballots, the election results shall be declared opened for public inspection.
 - b. Election Center Open until Tabulation Complete. The SEC shall, on the day of the closing of the polling site, keep the election return center open for the tabulation of election results, until each and every ballot has been received and tabulated and the results thereof made public.
 - c. Correction or Completion. The SEC will correct or complete its rosters, certificates or other forms or its authentications thereof, so that they show correctly any information required thereon.
 - d. Recount. If the tabulation of the SEC indicates, in its opinion, a close vote, the SEC shall conduct a recount of the votes. At the end of the recount all ballots shall be returned to the election envelopes resealed with at least two (2) members of the SEC writing their name across the seal. The result of the recount shall immediately be made public as a recount.
 - e. Review of Ballots. The SEC shall not review any ballots except as permitted on a recount.
 - f. Entry of results on record. Immediately upon the completion of the tabulation of all ballots, the SEC shall enter on its record, and include in its report to the Chairperson of the BOR, a statement of the results, which will show:
 - i. The total number of votes cast in the election;

- ii. The cumulative votes for the names of the persons voted for.
- iii. The percentage of eligible voters who voted and the percentages of votes cast for each candidate.
- iv. Disregard of Technical Errors. No declaration of the result may be withheld on account of any defect or informality if it can with reasonable certainty be ascertained who is elected to the office.
- v. Preservation of Ballots. The SEC shall be responsible for the preservation of all the ballots cast and all rosters and certificates until the election is finalized and all disputes are resolved to the satisfaction of the SEC.

SECTION 10

Election Contests

- A. Contestant and Defendant Defined. When used in this Section, contestant means any candidate named on the ballot initiating an election contest. Defendant means that person whose election or qualification is contested or those persons receiving an equal or larger number of votes, other than the contestant, when a candidate does not receive the percentage of votes required for the contested office.
- B. Causes for Contest. Any named candidate for Student Regent may contest the election held therein, for any of the following causes:
 - a. That the person who has been declared elected to an office was not, at the time of the election, eligible to that office. This will be determined by the Registrar.
 - b. That the SEC or any member thereof was guilty of misconduct at the polling site.
 - c. That the defendant has given to any elector or official of the election, any bribe or reward or has offered any bribe or reward for the purpose of procuring his/her election or has committed any other offense against the elective franchise of students.
 - d. That illegal votes were cast.
 - e. That the SEC in conducting the election or in counting the ballots, made errors sufficient to change the results of the election as to any person who has been declared elected.
- C. Irregularity or Misconduct Not Affecting Result. No irregularity or improper conduct in the proceedings of any official shall void an election result, unless such irregularity or misconduct resulted in a defendant being declared either elected or tied for election.

- D. Where Illegal Votes Not Necessary to Majority. An election shall not be set aside on account of illegal votes, unless it appears that such number of illegal votes has been given to the person whose right to the office is contested or who has been certified as having tied for first place, which, if taken from him/her, would reduce the number of his/her legal votes below the number of votes given to some other person for the same office, after deducting therefrom the illegal votes which may be shown to have been given to such other person.
- E. Complaint by Contestant. When a voter contests any election, he/she shall file with the SEC a written complaint, setting forth specifically:
 - a. The name of the contestant and that he/she is a named candidate, in which the contested election was held.
 - b. The name of the defendant.
 - c. The office.
 - d. The particular grounds of the contest.
- F. Allegation of Illegal Votes. When the reception of illegal votes is alleged as a cause of contest, it is sufficient to state generally that illegal votes were given to the defendant, that, if taken from the contestant will reduce the number of the contestant's legal votes below the number of legal votes given to some other candidate for student regent. The SEC shall cause to be delivered to the defendant, a copy of the complaint filed by the contestant.
- G. Technical Errors in Allegations Disregarded. A statement of the grounds of contest shall not be rejected, nor do the proceedings dismissed by the SEC, for want of form, if the grounds of contest are alleged with such certainty as will advise the defendant of the particular ground or cause for which the election is contested.

Procedure in Filing Statements of Contest

- A. Timeline for Filing Statements of Contest. The contestant shall write a statement of contest and shall file it within ten (10) business days after the declaration of the result of the Student Regent election.
- B. Special Session. Within seven (7) business days after the end of time allowed for filing statements of contest, the SEC shall thereupon hold a special session to address the statement of contest.
- C. Citation to Defendant. The SEC shall thereupon issue a citation for the defendant to appear at the time and place specified in the order, which citation shall be delivered and served upon the parties at least three (3) business days before the time so specified, either:

- a. Personally, or
 - b. Through their official University of Guam e-mail address (gotriton).
- D. Findings and Conclusions: Judgment. The SEC shall continue a special session to hear and determine all issues arising in contested elections. After hearing the proofs and allegations of the parties and within five (5) business days after the submission thereof the SEC shall place in the election file its findings of fact and conclusions, and immediately thereafter shall announce judgment in the case, either confirming or annulling the portion of the election contested. The judgment shall be entered immediately thereafter in the election file.
- E. Final Appeals. Within five (5) business days following the Special Session decision, the contestant may file a final appeal with the UOG President. The President will make a final decision on the contest stating in writing the reasons and justifications.
- F. Determination of Tie. In the case of a tie for Student Regent, a runoff election will be held within ten (10) business days of the election.

Sanctions

The following sanctions for violation of the Student Regent Election Regulations are to be considered by the University Student Discipline and Appeals Committee:

- A. **Warning:** A notice in writing to the student that he/she is violating or has violated the election regulation, but that the violation did not result in a substantial disruption to the election process. Two (2) or more sanctions of warnings against a student may result in a loss of privileges with regards to participation in the current and/or future elections as a voter and/or candidate.
- B. **Loss of privileges:** A student may be sanctioned with a loss of privilege to participate in future elections, both as a voter and/or candidate for a specified number of election cycles. If the student violated the election regulation resulting in a substantial disruption to the election process and/or received two (2) or more sanctions of warnings, and that student is a current candidate, then removal as a candidate for that current election may be sanctioned. In such a case, the student candidate with the next highest vote will be declared the winner. If there is no candidate with the next highest vote, procedures of a vacancy of this position shall be followed in accordance with the UOG BOR Amended Bylaws, dated August 23, 2018. Any vacancy during the term of a Student Regent shall be filled for the remainder of the term by an election of a majority of the Student Government Associate of a student having the qualifications specified in the Articles of Incorporation and the UOG BOR Amended Bylaws.

SECTION 11

Election Process Evaluation and Review

- A. Within thirty (30) business days of certification of a Student Regent Election, the SEC shall furnish the Chairperson of the BOR, via the Dean of EMSS, the Senior Vice President for Academic and Student Affairs and the President of the University, a report summarizing the election process. Any recommendations for improving the Student Regent Election Regulation will be provided in this report. This report shall also be directed to the SGA Council.