PROCEDURES FOR DISPUTING DETERMINATIONS OF ELECTION ELIGIBILITY

Senate Rules and Elections Committee
February 6, 2019

Authority

Pursuant to its authority under state law KRS 164.131(3) and Attorney General interpretations of state law, the Board of Trustees in Governing Regulation GR II.B.2.b.(1) directs the University Senate to conduct the election of Faculty Trustees. The state law, the Governing Regulation, and the Attorney General opinions together with Senate Rule SR 1.5.2, Administrative Regulations, other Board actions establish certain eligibility criteria for persons to nominate, run, and vote in Faculty Trustee elections. The University Senate has delegated to the Senate Rules and Elections Committee (SREC) the certification of faculty member eligibility in Faculty Trustee elections (SR 1.4.2.1).

Limitations

The University Senate does not manage, administer, or review (e.g., for quality control purposes) the information that SREC uses to determine election eligibility (e.g., information about persons' administrative appointments and assignments). The Board of Trustees through it Governing Regulations is quite specific that "(t)he University Senate is not assigned any management or administrative functions" (GR IV.C). Thus, the University Senate and SREC must assume that the information provided to them from the University administrators is correct and up-to-date.

However, mistakes may occur in the information that is provided to SREC, and SREC may make mistakes in its evaluation of that information. The procedures below outline the steps necessary to correct such mistakes.

Procedures for Disputing Eligibility to Nominate

If a faculty member (Petitioner) believes that an error has been made in determining his/her eligibility to nominate a candidate in a Faculty Trustee election:

STEP 1: The Petitioner shall proceed with the timely submission of his/her nominating petition.

STEP 2: The Petitioner shall email the SREC chair and the SREC Elections Subcommittee chair as soon as practicable to notify them that a suspected error in election eligibility has occurred. The SREC Elections Subcommittee chair or his/her designee shall respond to the Petitioner via email as soon as practicable with the specific reason(s) the Petitioner is not eligible or with a statement that an SREC error was made and corrected. If an SREC error was made and corrected, go to STEP 5; otherwise, go to STEP 3.

STEP 3: If the Petitioner believes that the cause of the Petitioner's ineligibility results from incorrect information on which the SREC relies (e.g., erroneous data about the Petitioner's status as a faculty member), the Petitioner shall provide incontrovertible evidence of the error (e.g., an email statement from the Petitioner's Dean) via email to the SREC Chair and the Chair of the SREC Elections Subcommittee before the nominating period ends.

STEP 4: The SREC Elections Subcommittee shall review the Petitioner's submitted evidence and reassess the Petitioner's eligibility as soon as practicable. If the SREC Elections Subcommittee determines that the Petitioner's evidence is not incontrovertible and if the nomination period has not ended, the Petitioner may return to STEP 3.

STEP 5: If the SREC Elections Subcommittee determines that the Petitioner is eligible, the SREC Elections Subcommittee chair shall recognize revised information when evaluating nomination petitions after the close of the nominating deadline.

Procedures for Disputing Eligibility to Run

If a faculty member (Petitioner) believes that an error has been made in determining his/her eligibility to run in a Faculty Trustee election, the Petitioner shall:

STEP 1: The Petitioner shall proceed with or encourage the timely submission of any petition(s) nominating the Petitioner as a candidate in the election.

STEP 2: The Petitioner shall email the SREC chair and the SREC Elections Subcommittee chair as soon as practicable to notify them that a suspected error in election eligibility has occurred. The SREC Elections Subcommittee chair or his/her designee shall respond to the Petitioner via email as soon as practicable with the specific reason(s) the Petitioner is not eligible or with a statement that an SREC error was made and corrected. If an SREC error was made and corrected, go to STEP 5; otherwise, go to STEP 3.

STEP 3: If the Petitioner believes that the cause of the Petitioner's ineligibility results from incorrect information on which the SREC relies (e.g., erroneous data about the Petitioner's status as a faculty member), the Petitioner shall provide incontrovertible evidence of the error (e.g., an email statement from the Petitioner's Dean) via email to the SREC Chair and the Chair of the SREC Elections Subcommittee before the nominating period ends.

STEP 4: The SREC Elections Subcommittee shall review the Petitioner's submitted evidence and reassess the Petitioner's eligibility as soon as practicable. If the SREC Elections Subcommittee determines that the Petitioner's evidence is not incontrovertible and if the nomination period has not ended, the Petitioner may return to STEP 3.

STEP 5: If the SREC Elections Subcommittee determines that the Petitioner is eligible, the SREC Elections Subcommittee chair shall recognize revised information when evaluating nomination petitions after the close of the nominating deadline.

Procedures for Disputing Eligibility to Vote

If a faculty member (Petitioner) believes that an error has been made in determining his/her eligibility to vote in a Faculty Trustee election, the Petitioner shall follow the following steps:

STEP 1: If voting is not currently underway, go to STEP 2. If voting is currently underway, the Petitioner shall immediately complete and submit a Provisional Ballot located at the Senate Council's Election Information webpage at the [Senate Council's website](#) or the Senate Council Office before voting ends.

STEP 2: The Petitioner shall email the SREC chair and the SREC Elections Subcommittee chair as soon as practicable to notify them that a suspected error in election eligibility has occurred. The SREC Elections Subcommittee chair or his/her designee shall respond to the Petitioner via email as soon as practicable with the specific reason(s) the Petitioner is not eligible or with a statement that an SREC error was made and corrected. If an SREC error was made and corrected, go to STEP 5; otherwise, go to STEP 3.

STEP 3: If the Petitioner believes that the cause of the Petitioner's ineligibility results from incorrect information on which the SREC relies (e.g., erroneous data about the Petitioner's DOE in the Faculty Database), the Petitioner shall provide incontrovertible evidence of the error (e.g., an email statement from the Petitioner's Dean) via email to the SREC Chair and the Chair of the SREC Elections Subcommittee before the nominating period ends (if the ineligibility affects a nomination) or otherwise before the voting period ends.

STEP 4: The SREC Elections Subcommittee shall review the Petitioner's submitted evidence and reassess the Petitioner's eligibility as soon as practicable. If the SREC Elections Subcommittee determines that the Petitioner's evidence is not incontrovertible, the Petitioner may return to STEP 3. If the voting period begins and the SREC Elections Subcommittee has not yet made a determination, the Petitioner shall submit a Provisional Ballot (see STEP 1) before voting ends.

STEP 5: If the SREC Elections Subcommittee determines that the Petitioner is eligible, the SREC Elections Subcommittee chair shall recognize revised information (if the ineligibility affects a nomination) and arrange for the online voting system to be updated accordingly if practicable or, if not, direct the Petitioner to submit a Provisional Ballot (see STEP 1) before voting ends.

STEP 6: When voting ends, the SREC Elections Subcommittee shall review all Provisional Ballots and evidence submitted before voting ended and, if appropriate, add those results to the vote totals from the online voting system before determining the final results of the election.