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## PROCEDURES FOR DISPUTING ELECTION PROCESSES OR ELIGIBILITIES

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### Senate Rules and Elections Committee (SREC)

February 5, 2020

#### 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](#)). In case of unanticipated election problems or disputes, the Senate Rules and Elections Committee acts as the final arbiter ([SR 1.5.2.4](#)).

#### DISPUTES INVOLVING ELECTION PROCESSES

Persons having any problem or dispute with the faculty trustee election process should first visit the [University Senate](#) website for general information. If a problem or dispute persists, persons should contact by email both the Chair of the Elections Subcommittee (Roger Brown, [rogerbrown@uky.edu](mailto:rogerbrown@uky.edu)) and the University Senate office (Sheila Brothers, [sbrothers@uky.edu](mailto:sbrothers@uky.edu)). In the email, identify the problem or dispute as clearly and specifically as possible and include additional contact information if possible.

Upon receiving the above information regarding the dispute, the Chair of the Elections Subcommittee will gather additional evidence, if needed, and present the dispute to the SREC that will consider the dispute and render a decision as to the appropriate action, if any ([SR 1.5.2.4](#)).

The SREC endeavors to keep the identities of such persons confidential to the extent permitted by law.

#### DISPUTES INVOLVING ELECTION ELIGIBILITIES

##### Limitations and Assumptions

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 its Governing Regulations is quite specific that "(t)he University Senate is not assigned any management or administrative functions" ([GR IV.C](#)).

The SREC assumes therefore that the information (e.g., from the online DOE forms) provided to it by University administrators is correct and up-to-date. The SREC further assumes that administrators have

characterized (e.g., on the online DOE forms) faculty activities in the areas of service and administration using the same criteria that the SREC uses (see Section 6 of the “Eligibility in Faculty Trustee Elections” document at the Senate website).

However, these SREC assumptions may not always hold. The procedures below outline the necessary steps for someone to dispute their own or another’s eligibility to nominate, run, or vote in a faculty trustee election.

### **Procedures for Disputing Another’s Eligibility Determination**

Persons who wish to dispute another’s eligibility to nominate, run, or vote in a faculty trustee election should first visit the [University Senate](#) website for general information. If the dispute persists, persons should contact by email both the Chair of the Elections Subcommittee (Roger Brown, [rogerbrown@uky.edu](mailto:rogerbrown@uky.edu)) and the University Senate office (Sheila Brothers, [sbrothers@uky.edu](mailto:sbrothers@uky.edu)). In the email, persons wishing to dispute another’s eligibility to nominate, run, or vote in a faculty trustee election:

- (1) Must make a positive allegation of a specific person’s ineligibility to nominate, run, or vote in the election,
- (2) Must describe the nature of the alleged ineligibility, and
- (3) Should, if feasible, provide supporting evidence.

Upon receiving the above information regarding the dispute, the Chair of the Elections Subcommittee will gather additional evidence, if needed, and present the dispute to the SREC that will consider the dispute and render a decision as to the appropriate action, if any ([SR 1.5.2.4](#)).

The SREC endeavors to keep the identities of persons initiating a dispute confidential to the extent permitted by law.

### **Procedures for Disputing One’s Own Eligibility Determination**

#### Procedures for Disputing One’s Own Ineligibility 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 Elections Subcommittee chair (Roger Brown, [rogerbrown@uky.edu](mailto:rogerbrown@uky.edu)) and the University Senate office (Sheila Brothers, [sbrothers@uky.edu](mailto:sbrothers@uky.edu)) 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 Elections Subcommittee chair (Roger Brown, [rogerbrown@uky.edu](mailto:rogerbrown@uky.edu)) and the University Senate office (Sheila Brothers, [sbrothers@uky.edu](mailto:sbrothers@uky.edu)) 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 at the close of the nominating deadline.

#### Procedures for Disputing One's Own Ineligibility 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 Elections Subcommittee chair (Roger Brown, [rogerbrown@uky.edu](mailto:rogerbrown@uky.edu)) and the University Senate office (Sheila Brothers, [sbrothers@uky.edu](mailto:sbrothers@uky.edu)) 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 at the close of the nominating deadline.

## Procedures for Disputing One's Own Ineligibility 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 before the voting ends complete and submit a Provisional Ballot located at the Senate Council's Election Information webpage or the Senate Council Office.

STEP 2: The Petitioner shall email the SREC Elections Subcommittee chair (Roger Brown, [rogerbrown@uky.edu](mailto:rogerbrown@uky.edu)) and the University Senate office (Sheila Brothers, [sbrothers@uky.edu](mailto:sbrothers@uky.edu)) 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 Elections Subcommittee chair (Roger Brown, [rogerbrown@uky.edu](mailto:rogerbrown@uky.edu)) and the University Senate office (Sheila Brothers, [sbrothers@uky.edu](mailto:sbrothers@uky.edu)) 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 received 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.