



THE UNIVERSITY OF CHICAGO

# UNDERGRADUATE STUDENT GOVERNMENT ELECTIONS & RULES COMMITTEE

## Elections and Rules Committee House Rules Spring 2024

As approved by the Elections and Rules Committee (E&R) 02/12/2024:

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# E&R House Rules

## Title I. House Rules

- A. These rules govern the Elections and Rules Committee (“E&R” or “the committee”) procedure and candidate conduct during E&R proceedings and events.
- B. E&R operates according to *Robert’s Rules of Order Newly Revised* unless otherwise specified or its provisions found in the *Constitution, By-Laws, Election Code*, or *House Rules* (elections rules).
- C. E&R proceedings include:
  1. Meetings
  2. Hearings
  3. Sessions
  4. Consultations
- D. E&R events include, but are not limited to:
  1. Debate
  2. Candidates Meeting
- E. The *House Rules* or *Election Code* may be amended by a majority vote of E&R during any meeting, provided that these amendments are submitted by the chair, except for meetings during the period starting with the availability of petitions and affidavits for regular Autumn Elections and ending with the culmination of the Spring Elections.
  1. During this time period, E&R may amend the House Rules only on a motion submitted by E&R’s chair and approved unanimously. The new rules must then be posted in E&R’s minutes, and take no retroactive effect.
  2. The House Rules may not be amended by ex-officio E&R members at any time. Ex-officio members must follow the House Rules, but all decision-making procedures are reduced to consensus. They must choose from among themselves someone to act as Chair.

## Title II. Meetings

- A. Meetings shall be conducted for the following purposes:
  1. Arranging election logistics.
  2. Resolving disputes.
  3. Gathering information for E&R.
  4. Amending the House Rules, or other governing documents pertinent to the election, during the windows of time approved in those documents.
- B. Hearings must be conducted during meetings.
- C. Consultations may be conducted during meetings.
- D. Meetings shall be open to the public.
  1. Meetings shall be announced in advance online at [uchicagocollegecouncil.com/elections](http://uchicagocollegecouncil.com/elections).
  2. E&R reserves the right to prohibit the use of recording devices during E&R meetings.
- E. E&R will employ a secretary to record minutes for all meetings.

- F. The E&R Chair shall preside over all meetings in accordance with the House Rules and set the agenda at the start of each meeting, or delegate these tasks to another E&R member.
  - 1. As per the Undergraduate Student Government By-Laws, if an E&R member is unable to attend an E&R meeting, they must submit notice to the E&R chair so that the E&R chair may exercise that member's vote pursuant to any guidance the member may offer. All proxies for absent E&R members must be exercised by the chair.
- G. Time must be set aside during E&R meetings for members of the public in attendance to ask questions of and make comments to the committee.
  - 1. E&R reserves the right to limit public participation during meetings in consideration of the time.
  - 2. E&R shall enforce the Honor Code.
- H. Priority in speaking during meetings is accorded first to E&R members and the CLI advisor, then to E&R meeting participants—such as complainants, defendants, and witnesses—and then finally to attendees.

### **Title III. Election Disputes**

- A. E&R resolves disputes where a complainant alleges that a defendant has violated an electoral rule or has not met the minimum requirements to appear on the ballot (“elections violations”). Complainants can be any student or student group, including E&R. Defendants can be any candidate, ticket, or campaign—on the ballot or write-in—whose election E&R governs.
- B. The E&R dispute process is designed to resolve the following types of dispute:
  - 1. Disputes involving the interpretation of electoral rules.
  - 2. Factual disputes upon which alleged violations of election rules rest.
  - 3. A mixture of the above.
- C. Election disputes are resolved according to the following procedure:
  - 1. An allegation is submitted to E&R. E&R manages the complaint process in sessions until an official complaint is lodged.
  - 2. E&R conducts a hearing to consider the rules-based and/or factual issues in dispute, hear arguments and gather evidence.
  - 3. E&R holds a session during which it resolves the factual and/or legal aspects of the dispute, levels an infraction or a warning (if applicable), and publishes a decision. This decision may be appealed to E&R with the submission of new information.
  - 4. If the parties to a dispute agree on a set of facts and/or a particular rules interpretation, E&R may accept those as valid for the purposes of the particular dispute unless the committee sees reason to reject them.

### **Title IV. Complaints**

- A. To lodge an official complaint, a complainant must submit an allegation to E&R and the defendant must be given an opportunity to submit an initial response.
- B. Allegations can be submitted in one of two ways:
  - 1. Submission by email to the chair of E&R;

- a. The allegation must be sent, originally, to the chair of E&R, unless that allegation is made by a member of E&R.
  - b. The chair of E&R must respond, indicating that the chair has found that the allegation is:
    - a. properly formulated,
    - b. improperly formulated,
    - c. requires more information or clarification, or is remote from the rule in question
  - c. In the event that the chair of E&R finds that the allegation is remote from the rule in question, the complainant may request that the chair of E&R submit the allegation to the committee. Then and only then may the E&R committee submit an allegation not made by a member of E&R to the chair upon majority vote.
  - d. Should the chair find anything other than that the allegation is remote from the rule in question, the chair must allow an opportunity for the complainant to rectify the errors, which must be detailed in full by the chair of E&R, in their allegation.
2. Submission by the E&R committee, either by the above procedure or of an allegation by a member of E&R, to the chair upon majority vote. E&R thereby becomes the complainant.
- C. Allegations must include the following:
1. Clear description of the action(s) that allegedly violated election rules.
  2. Specific reference to the rule(s) that were allegedly violated and an explanation of how the action(s) violated said rule(s).
  3. The identity and contact information of the complainant.
  4. The identity of the defendant.
- D. Once the allegation is submitted, the chair of E&R may decide one of the following, with advice of the committee:
1. The allegation is properly formulated and E&R will attempt to contact the defendant.
  2. The allegation needs clarifying or E&R needs more information.
  3. The allegation is improperly formulated. This is limited to a strict lack of any of the required portions under section C and is not an interpretive decision.
  4. The action(s) described in the allegation is clearly remote from the rule violation described and E&R will issue an advisory opinion to that effect.
- E. Once an allegation has been received, E&R has 48 hours (not counting weekends) to notify the complainant of its decision under Title IV § D of the House Rules.
1. If E&R requests clarification or for more information, E&R has another 48 hours to reply upon the complainant's response.
  2. If the allegation is improperly formulated, E&R must specify the deficient element(s) and the complainant may choose to submit a new allegation.
  3. If E&R issues an advisory opinion that the alleged action(s) is remote from the violation described, E&R must explain why. This creates a

presumption in favor of the defendant during deliberations if the complainant decides to press the complaint notwithstanding the decision. Otherwise, the complainant may choose to submit a new allegation.

- F. If an allegation is properly formulated and, if assumed factually correct, appears to describe the violation of an election rule, or if the complainant decides to press the complaint despite an adverse advisory opinion under Title IV § D, the E&R committee must contact the defendant within the time limit specified in Title IV § E.
  1. The communication must include a description of the alleged action(s) and rule(s) allegedly violated.
  2. It does not need to include the name of the complainant nor must it reproduce exactly the allegation as received by E&R.
  3. It must notify the defendant of any relevant advisory opinions, and explain the presumption entailed.
  4. If under extraordinary circumstances, and in consultation but not inherently consent of E&R's CLI staff member, if the Committee members find unanimously that an allegation fits the criteria for a disqualifying infraction specified in Article IV § 2(c) of the Election Code and is of the nature such that promptly informing the defendant of the complaint would pose a significant obstacle towards a fruitful investigation, then E&R may delay contacting the defendant until such time as this potential obstacle has been resolved.
    - a. E&R must reassess such a decision every 24 hours until it determines the obstacle has been resolved, or the vote to delay further is no longer unanimous.
- G. The defendant has 24 hours to respond to a proper allegation. The initial response can comprise any of the following:
  1. Acknowledgement and/or denial of any part of the alleged prohibited action(s) described in the complaint.
  2. Acknowledgement and/or refutation of the legal interpretation(s) of the rule(s) cited in the complaint as applied to the alleged action.
  3. New information not present in the original allegation.
  4. Requests for clarification or further information.
    - a. If the chair of E&R decides that the request for clarification or further information is warranted, the committee may offer an additional opportunity for response following E&R's reply with up to a 24 hour time limit.
  5. Request for more time to prepare an initial response.
- H. E&R may grant a specified extension in the case of extenuating circumstances, even if the defendant has not requested one.
- I. Once E&R determines that a proper allegation has been submitted and that the defendant has been afforded sufficient opportunity for response under this section, it will schedule a hearing and notify the participants.
- J. Prior to a hearing, E&R shall manage the complaint process confidentially in sessions. During this time, the complainant and defendant must also refrain from

publicizing the matter. They may confer with others in private, and are responsible for ensuring that informed third-parties abide by confidentiality.

#### **Title V. Sessions**

- A. Sessions shall be conducted for the following purposes:
  - 1. Deliberation.
  - 2. Consideration of preliminary allegations and responses prior to them being lodged as an official complaint.
  - 3. Special private sessions. See Title V § C (1) of the House Rules.
- B. Sessions are not open to the public, and the contents of E&R sessions are confidential other than those published in an official decision or complaint.
- C. Sessions may be scheduled immediately preceding or following a meeting unless:
  - 1. They are necessary special private sessions as determined unanimously by E&R in consultation with the CLI advisor as specified in Article 5 § 4 (a) of the Election Code.

#### **Title VI. Consultations**

- A. Campaigns may consult with the committee regarding E&R procedures, the elections process, or election rules. Inquiring campaigns or candidates should contact the E&R Chair.
- B. Consult inquiries can be either informational or interpretive, and should be directed to the E&R chair.
  - 1. Informational inquiries are those that have already been answered in committee regulations and/or other publications produced by Undergraduate Student Government.
  - 2. Interpretive inquiries are where the Committee is being asked for an interpretation of elections rules. They result in advisory opinions.
- C. The Chair may respond to informational inquiries unilaterally, but must report these responses to E&R during the next scheduled meeting. The responses do not hold the status of an advisory opinion, and the Chair should note that in responses. E&R may choose to issue a follow-up advisory opinion.
- D. If there is an E&R meeting scheduled within the next 24 hours of an interpretive inquiry that is not time-sensitive, the consultation will be resolved at the meeting. Otherwise, the Chair will forward the inquiry, in its entirety, to the committee members with the Chair's recommended response. E&R will then conduct the consultation via correspondence.
  - 1. If a consultation is held by correspondence, two committee members may motion and second for an emergency convening of the committee in person if they see fit.
  - 2. E&R may delegate to the chair of E&R the power of unilaterally answering all interpretive inquiries for a given academic quarter
- E. E&R has up to 48 hours to respond to an inquiry unless it is time-sensitive.
  - 1. Time-Sensitive Inquiries: defined as a question that requires a response in less than 24 hours in order to maintain a campaign's ability to be active in the electoral process as determined by the Chair. E&R can overturn this determination.

2. Two committee members may motion and second for a time extension on non-time-sensitive inquiries. The Chair must notify the inquirer of the extension.
- F. Interpretive consultations are resolved by majority vote and result in advisory opinions, unless as provided otherwise.
1. If the interpretive inquiry is time-sensitive, the Chair may respond after giving E&R as much time as possible to come to a decision. The Chair's response is not an advisory opinion and this should be made clear. E&R must either confirm or reject the interpretation as soon as possible.
- G. E&R advisory opinions are non-binding. However, there is a presumption that takes effect during deliberations that they are correct unless proven otherwise. Unilateral Chair responses are not advisory opinions but can be evidence that a campaign did or did not willfully violate the rules.

## **Title VII. Hearings**

- A. Hearings shall occur for the following purposes:
1. Adjudicating election disputes, including
    - a. gathering information and evidence as to the facts in a dispute; and
    - b. affording the opportunity for complainants and respondents to argue their interpretation of the election rules relevant to their dispute for E&R's consideration.
  2. Gathering information regarding election activities that are not the subject of an official complaint.
  3. Hearing appeals.
- B. Participation in a hearing is voluntary, but advised so that complainants and defendants may respond to evidence and arguments against their positions. E&R may, at its discretion, make reasonable attempts to provide the opportunity for both parties to be present, though generally there should be no expectation that E&R will schedule around candidate availability.
- C. Electoral Dispute Hearings are divided into two parts: evidence gathering and rules interpretation. The complaint and response become officially and publicly lodged as of the start of these hearings, and form their basis.
1. Evidence gathering
    - a. Complainants, respondents, and others may offer testimony as witnesses to material facts in an election dispute.
    - b. The E&R Chair determines the order in which witnesses appear. No one may question witnesses other than E&R, though complainants and respondents alone may discreetly recommend a particular question to E&R. E&R may limit witness testimony.
    - c. Dispute parties or witnesses may introduce documentary evidence for E&R's consideration.
    - d. Affidavits will not be considered unless there are extenuating circumstances and the testimony is essential to a fair hearing. This is an extremely narrow exception.



- e. If E&R is the complainant, E&R will discuss the results of its own internal investigation, and provide the defendant the opportunity to respond, if present.
- 2. Rules interpretation
  - a. Complainants and defendants, if present, may offer interpretations of elections rules in support of their respective positions. The chair of E&R may limit presentation time but must apportion it equally.
  - b. Complainant may speak first, followed by defendant. Both may be given a brief rebuttal at the chair of E&R's discretion.
  - c. If E&R is the complainant, E&R shall explain the interpretive reasoning behind its complaint before allowing the defendant to respond.
  - d. E&R may ask questions of the parties at any time during an interpretive hearing, but if it is the complainant it must allow the defendant time to speak uninterrupted.
- D. Investigatory Hearings
  - 1. E&R, or the E&R chair, may request that candidates, campaign teams, or others answer questions related to behavior that E&R is concerned may violate elections rules.
  - 2. Those asked by E&R to present themselves to provide the committee with information may deliver uninterrupted opening statements
  - 3. After statements have been made by those presenting, members of E&R shall have time to ask questions of each presenter.
  - 4. If the investigation becomes the subject of an E&R-submitted complaint, then E&R may consider cooperativeness during these hearings as a mitigating factor when leveling infractions.
  - 5. Following a hearing, E&R may issue an advisory opinion to relevant candidates.
- E. Appeals Hearings
  - 1. Appeals hearings will follow the same procedures as Election Dispute Hearings, but the basis for this hearing is the appeal.
  - 2. Only the new information may be discussed at this appeal.
  - 3. The party who won under the original decision may be present, and may rebut the appellant's argument after it is presented.

## **Title VIII. Mediation**

- A. For cases where due to University policy, or restrictions imposed by local, state, or federal law, E&R cannot decide a case, a special mediation may be called by unanimous vote of the committee.
  - 1. The protocol for mediation will be determined ad-hoc, but E&R reserves the right to enforce the mediation process.

## **Title IX. Deliberations**

- A. Deliberations shall occur privately after the public portion of the meeting concludes.
  - 1. E&R may only consider the following in deliberation:

- a. The officially lodged complaint, including the allegation, the response, and related correspondence,
    - b. Any evidence and information submitted prior to the close of the relevant hearing and discussed therein,
    - c. Any publicly available information,
    - d. Any clarification obtained during a meeting or hearing; and
    - e. Presumptions accorded under the rules.
  2. E&R should consider the arguments presented regarding rules interpretation but is not limited to them.
- B. Advisory opinions, whether issued in response to a consultation inquiry or an allegation, afford a presumption that the interpretations issued in those opinions are correct. They can be overturned only if E&R determines they were issued in clear error.
- C. In leveling infractions, E&R should consider:
  1. Whether the violation was intentional, reckless, negligent, or unavoidable.
  2. If intentional, the intended result of the violator.
  3. The extent of the impact of the violation on election results and the election process.
  4. Relevant prior warnings, violations, consultations, and investigatory hearings.

## **Title X. Decisions**

- A. Only decisions following official dispute procedures are binding, while advisory opinions merely afford presumptions.
- B. E&R must publish its decisions in the minutes, and forward the same decisions to the relevant complainants and defendants. Advisory opinions do not need to be published, and the relevant presumptions hold only for the recipients of those opinions.
- C. Decisions must include the following:
  1. E&R's resolution of the disputed facts and any relevant evidence relied upon.
  2. E&R's interpretation of any of the rules in question as applied to the facts.
  3. Any additional rules and information that shaped E&R's ruling.
  4. The infraction level determined by E&R as a result of information provided and the deliberative process.

## **Title XI. Appeals**

- A. A losing party in a dispute may appeal to E&R. Appeals must be brought within one week of the end of the relevant elections.
- B. To file an appeal, the losing party must submit the following:
  1. E&R's original published decision.
  2. New significant information that E&R did not consider as part of its ruling.
    - a. Without new information, appeals will not be considered.

- b. E&R is the final judge of all elections disputes.
- 3. An explanation of why that information was not available to E&R during the Election Dispute Hearing.
- 4. An explanation of how that information would have changed E&R's ruling.
- C. The E&R chair will issue a decision as to whether the information is new and whether it is significant enough to consider at a hearing. If so, E&R will contact both parties in the original dispute to schedule a hearing.
- D. Until the hearing is scheduled, the process will occur in sessions, and the confidentiality rule is the same as that of the complaints process.

## **Title XII. Honor Code**

- A. Candidates must behave in a decorous manner at all E&R sponsored events and proceedings.
- B. Participation in the debates is not mandatory, though the Committee offers it as a good platform through which candidates may interface with each other and with voters.
- C. Professional behavior is required as determined by members of E&R, staff members from the CLI, university personnel, or law enforcement.
  - 1. Unprofessional and rowdy behavior will not be tolerated, and may be grounds for dismissal from the event or proceeding and/or further infractions.
- D. No alcohol or illegal substances will be allowed at the debate, or at any other E&R event or proceeding.
  - 1. Arriving at the debate intoxicated, or under the influence of illegal drugs, (as deemed by E&R, UC Police, or staff of the dean's office or the Center for Leadership and Involvement) is grounds for suspension of the offending candidate or supporter from the event or proceeding and/or further infractions.
- E. E&R members must behave in a manner consistent with the Neutrality Agreement. In the event that the Chair receives a report that a member has not acted consistently with this agreement, the Chair will investigate this report and, at discretion, may treat the member as having resigned and report such to College Council.

## **Title XIII. Minutes**

- A. Minutes must include:
  - 1. Date, time and attendance of all E&R members
  - 2. General summary of topics discussed and proceedings as well as key points raised.
  - 3. E&R decisions following disputes.
  - 4. Elections rules changes.

## **Title XIV. Media Interviews and Correspondence**

- A. The Chair shall be the sole contact for media interviews, is empowered to speak on E&R's behalf, and shall notify E&R of all interviews.

- B. The Chair may speak about specific rules or procedure, and may expound upon the rulings in official decisions.
- C. The Chair may not give personal opinions or predictions.
- D. The Chair may not comment on business conducted in sessions or deliberation unless or until such business is made public by an official complaint or decision, and may never reveal individual member votes in those sessions. The Chair is restricted to discussing the contents of the published complaint or decision, or of published documents.
- E. Neither the Chair nor the Committee as a whole bears responsibility for, or an onus to correct, material printed by media outlets about given candidates.

**Title XV. Candidates Meeting**

- A. Candidates must attend a Mandatory Candidates Meeting as listed on the petition, or in extenuating circumstances, an alternate meeting, by arrangement with the E&R Chair.
- B. During the meeting, candidates can expect the following:
  - 1. An explanation of election rules by members of E&R and an opportunity to have questions clarified.
  - 2. An explanation of the elections timeline.
  - 3. An opportunity to sign up for tabling slots in Reynolds Club.
    - a. Sign up priority will be determined by random lottery
- C. Candidates will be required to sign a commitment to abide by the rules.
  - 1. Candidates who do not attend a Mandatory Candidates Meeting or alternate arrangement will not appear on the ballot as official candidates.
  - 2. Candidates are still bound by the election rules in the period prior to the Mandatory Candidates Meeting. The commitment card merely formalizes the agreement any candidate makes by choosing to run.
  - 3. Candidates who do not sign a commitment to abide by the rules will not appear on the ballot. Those candidates who appear as write-in candidates are equally subject to election rules as those who appear on the ballot.

**Title XVI. Debates**

- A. During the debate, members of E&R will accept paper submission of questions from audience members, which will then be asked by the moderator at the discretion of E&R members.
  - 1. A member of E&R shall moderate the debate.
  - 2. E&R reserves the right not to ask a submitted question for any reason or for no reason, but not for a reason which violates any election rule.
- B. The format of the debate shall be announced at the start of the debate.
  - 1. The format of all debates shall be decided by the chair of E&R, with consultation from E&R members

**Title XVII. Referenda Scheduling**

- A. As per the Constitution, the E&R chair, with the advice of the committee, shall set the date of the referendum. The referendum voting period must occur before or on Friday of reading period given sufficient notice is provided as defined by Article

- VII § 3 of the Election Code. E&R should schedule referenda to coincide with regularly scheduled elections provided sufficient notice.
- B. No referendum that proposes a constitutional amendment shall take place outside of regularly scheduled Autumn or Spring elections.
  - C. A referendum for the repeal of a legislative item must be scheduled within one month after the receipt of a proper petition subject to Article VII of the Election Code, though shall not be scheduled during the summer or a scheduled break as determined by the registrar
  - D. All referenda shall require a minimum two-day voting period during business hours, but may have longer voting periods at the discretion of E&R.

### **Title XVIII. Delegated Disputes and Responsibilities**

- A. Disputes under Title III §5 of USG bylaws
  - 1. Disputes regarding the following are subject to this section:
    - a. removal,
    - b. the fulfillment of duties,
    - c. temporary absences,
    - d. or other concerns relevant to terms and leaves of absence
  - 2. Disputes under this section are resolved according to the following procedure:
    - a. An allegation is submitted to E&R. Allegations must be submitted subject to Title IV of the E&R House Rules. E&R manages the complaint process in sessions until an official complaint is lodged.
    - b. E&R conducts a hearing, though may at E&R's discretion under Article 5 § 4 (a) this may be changed to a session admitting only the disputants and representatives (if appointed), to consider the rules-based and/or factual issues in dispute, hear arguments and gather evidence.
    - c. E&R holds a session during which it resolves the factual and/or legal aspects of the dispute, levels an infraction or a warning (if applicable), and publishes a decision. This decision may be appealed to E&R with the submission of new information.
    - d. If the parties to a dispute agree on a set of facts and/or a particular rules interpretation, E&R may accept those as valid for the purposes of the particular dispute unless the committee sees reason to reject them.
- B. Vacancy Vote Administration
  - 1. In the event of E&R administering an election subject to Title IV § 3 (d-e) of the USG bylaws, the chair of E&R shall liaise with the President, Executive Vice President, and the Chair of College Council to notify of any logistical arrangements made by E&R for electoral administration.
- C. Membership
  - 1. Membership of E&R is governed by the *Undergraduate Student Government Bylaws*, Article VI Title 1 §2.

2. The chair of E&R shall ensure that no member is admitted to E&R if their application violates any part of the *Undergraduate Student Government Bylaws*, Article VI Title 1 §2, or generally proper and legal conduct.

D. Election Regulation and Committee Conduct

1. A quorum shall be found when at least three members are present, which shall include the chair or designee.
  - a. At the first meeting of E&R, committee members shall, by simple majority, elect a chair of the committee. A quorum for this meeting shall be four members and shall include the incumbent chair or designee if that chair remains on the committee.
  - b. An incumbent chair shall remain the chair until they voluntarily resign, are removed from the committee, or are no longer enrolled as a student as part of the undergraduate student association as defined by the Undergraduate Student Government Constitution and By-Laws.
2. The chair shall act as the presiding officer of the committee and shall rule on such parliamentary procedural questions as they shall deem mete as they arise
  - a. Motions shall be submitted to the committee by the chair, and shall be seconded by a member of the committee before they are considered
    - a. Motions to amend the *House Rules* or *Election Code* must issue from the chair and be submitted by the chair to the committee. Members may propose amendments to the chair, but the motion to amend must issue from the chair and be submitted to the committee by the chair.
3. The chair shall issue and control the agenda for each committee meeting, including time allocation and order