

# Arizona State University Undergraduate Student Government

## USG -Elections Code

### Purpose

The purpose of the election code is to provide and regulate the necessary process in order to elect student body officers and representatives of the Undergraduate Student Government of the multiple campuses of Arizona State University pursuant to their constitution. No portion of the elections code shall be invalidated either solely or partially on the basis of this statement of purpose.

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### CHAPTER 1 -QUALIFICATIONS OF VOTERS

ASU students who are enrolled in a minimum of ~~at least~~ one credit hour as an undergraduate student are qualified voting members of USG.

### CHAPTER 2 -CANDIDATES' ELIGIBILITY, QUALIFICATIONS, REGISTRATION, AND EXPECTATIONS

#### 2-1: CANDIDATE ELIGIBILITY AND QUALIFICATIONS

2-1.1 Students seeking elected positions in USG must meet the following qualifications at time of declaring candidacy and maintain the qualifications throughout term of office.

- a) Must be a member of USG (see Chapter 1).
- b) Must be a degree-seeking student at ASU.

- c) Must be a student in good academic standing with ASU.
- d) Must be a student in good disciplinary standing with ASU.
- e) Must be a student enrolled in and maintaining 6 credit hours per semester on the location where the position exists. The 6 credits must be completed within the time span of a full semester.
- f) May only hold one office within ASASU concurrently (including appointed/hired positions).
- g) Senatorial candidates may only seek and hold office at the location where their respective college/school exists. Senatorial seats for colleges/schools that exist on multiple campuses will be annually reviewed by the Elections Department.

2-1.2 Below are the only positions for elective office in USG.

- a) One President for each location.
- b) One Vice President of Services for each location.
- c) One Vice President of Policy for each location.
- d) Senator/s for each college or school. Representation and the number of Senators per college or school will be determined by the Elections Commissioner as informed by the Bylaws.

2-1.3 Any qualifications not enumerated within these Election Codes, including appointed positions, will be addressed in the Bylaws.

## 2-2: CANDIDATE REGISTRATION

2-2.1 A student desiring to become a candidate (either Executive or Senatorial) must submit an application with the USG Elections Department in accordance with the USG election code by the last Friday in February.

2-2.2 Three members of the USG become a USG Ticket when they have completed all the documents required by the Elections Department. A student may run on only one ticket.

2-2.3 A candidate shall appear on the ballot under the name used on said candidates application. This is the only name under which the candidate shall appear on the ballot.

2-2.4 The Elections Department shall verify that each candidate meets the requirements stipulated in the USG Constitution and the USG Elections Code. Any person failing to meet the requirements shall not be allowed to stand as a candidate and any votes for them shall be null and void.

## 2-3: CANDIDATE EXPECTATIONS

2-3.1 The Elections Department has the right to call subsequent candidates' meetings.

2-3.2 All candidates must attend a mandatory candidates' meeting at their respective location.

A. Candidates not present at the mandatory candidates' meeting will be disqualified if they are unable to show compelling circumstances to the Elections Department.

- B. If a candidate is unable to attend the mandatory meeting at their respective location due to compelling circumstances they must notify the Elections Department at least one (1) business day prior to the meeting. Plans must be made with the Assistant Elections Commissioner at their respective location to attend a mandatory candidates' meeting at another ASU location.
- C. If a candidate chooses to appeal, a written letter must be given to the Elections Department within twenty-four (24) hours of the meeting to show compelling circumstances.

2-3.3 Candidates shall receive two (2) business days notice before any candidates' meetings.

2-3.4 All forms must be received by the date and times set by the Elections Department.

2-3.5 Candidates shall be held responsible for knowing any and all information presented or distributed at the mandatory candidates' meeting, any subsequent meetings, or by memorandum.

2-3.6 No write-in candidates will be permitted.

## CHAPTER 3 - TIMELINE

3-1.1 The Elections Commissioner shall be selected no later than 60 days prior to the start of the election cycle as articulated in Chapter 10.

3-1.2 The Elections Department shall schedule campaigning for the general election to begin on the first Tuesday after the conclusion of Spring Break.

A. Further, the general election shall begin two (2) weeks from the first Tuesday after the conclusion of Spring Break.

B. If these dates conflict with Passover, the Elections Department will decide on a suitable date for the general election.

3-1.3 The elections process shall be publicized no fewer than thirty (30) days prior to the election.

3-1.4 Candidate application form shall be made available no later than the first Monday in February.

3-1.5 Campaigning shall not exceed seventeen (17) days.

3-1.6 Election results will be announced simultaneously at each location at a time and date selected by the Elections Department. Said date must appear on the candidate application form.

3-1.7 The Elections Department shall hear and announce any decisions, in writing, on all complaints within forty-eight (48) hours of receiving an answer from defendant.

3-1.8 Individuals may directly appeal to the Judicial Board the decision of the elections department within forty-eight (48) hours of the decision.

3-1.9 The Judicial Board shall announce any decision, in writing, in accordance with their rules. The Supreme Court shall be the final say in all complaints and decisions.

## CHAPTER 4 -CONDUCT OF ELECTIONS

### 4-1: OFFICIAL BALLOTS FOR GENERAL ELECTION

4-1.1 Candidates' names shall be placed on the ballot as determined by the electronic ballot system.

4-1.2 In the General Election, undergraduate voters may vote for one (1) Executive Office candidate ticket at each location at which their major(s) is/are registered they are enrolled. Undergraduate voters may also vote for the number of USG Senatorial candidates equalling the number of open seats for the voters' respective colleges.

4-1.3 Ballots shall include instructions for the voter and contact information for the Election Department.

### 4-2: VOTING

4-2.1 There shall be a minimum of one Polling Site for each election at each location.

4-2.2 Polling Sites shall open no later than 9:00 a.m. and close no earlier than 5:00p.m. unless designated by the Elections Department.

4-2.3 Each Polling Site shall be staffed by at least two Poll Workers.

4-2.4 The Elections Department shall train the Poll Workers in the procedures and security measures applicable to their jobs.

4-2.5 Online voting shall be implemented by the Elections Department. Students will therefore be able to vote from a computer of their choice. This shall in no way exempt the Elections Department from creating polling stations on campus.

4-2.6 Voting shall be by secret Ballot.

4-2.7 Neither absentee nor proxy voting is permitted.

4-2.8 All persons producing evidence of membership in USG as defined in the USG Constitution are eligible to vote. Eligibility is subject to verification.

4-2.9 Only currently enrolled members of a College shall be permitted to vote for the Senators from their respective College. In each race, the winner(s) will be the candidate(s) who receives the plurality of votes.

4-2.10 The winners of the executive race shall be the ticket that receives a majority of votes.

A. If a majority is not reached, a run off election will be held consisting of the two candidates who received the highest number of votes in the general election. This process shall continue until a majority is reached.

#### 4-3 RUN-OFF ELECTIONS

4-3.1 In the event of a run-off election, all tickets will continue with their violation points they received during the general election.

4-3.2 Executive tickets in a run-off election must attend a mandatory meeting with the Elections Commissioner. Failure to do so will result in their disqualification.

A. Within two (2) business days of the announcement of a run-off election, the date and time of the mandatory meeting with the Elections Commissioner must be announced.

4-3.3 Within two (2) business days of the announcement of a run-off election, the formal election dates including the twenty-four (24) hour voting cycle and announcement of run-off election results must be announced.

4-3.4 The violation decision appeal deadline for run-off elections is one (1) business day from the date of the Elections Department's ruling on any given violation.

#### CHAPTER 5 -CAMPAIGN CONDUCT 5-1: CAMPAIGN CONDUCT

5-1.1 Campaigning (See Chapter 13 -Glossary for the definition of campaigning) or distribution of campaign materials cannot begin before the dates set by the Elections Department.

5-1.2 Off campus campaigning is permitted in private off campus locations provided the candidate or persons campaigning have the permission of the owner, operator, manager, or resident of the location. Off-Campus campaigning must provide proof of permission to the Elections Committee.

5-1.3 Campaigning in a classroom thirty (30) minutes before/after/during class is strictly prohibited.

A. Speaking to student organizations while they hold their meetings in a classroom while class is not in session shall be exempt from 5-1.3

5-1.4 USG candidates, programs, services, or departments may not use USG resources for the purpose of any campaign. This includes, but is not limited to, the use of computers, printers, paper, phones, or copy machine. This does not include university email.

5-1.5 Any website utilized for the purpose of campaigning that is hosted on a server outside of Arizona State University is still subject to the rules and regulations of the USG Elections Code.

5-1.6 There shall be no campaigning within fifty (50) feet of a public polling site or a public computer. Upon erection of a polling site, the Elections Department shall remove all campaign signs already located within the fifty-foot limit and no complaints shall be filed.

5-1.7 No candidate shall employ amplification equipment for campaigning on campus unless used under the direction of the Elections Department as part of a public debate.

5-1.8 Campaigning is not permitted in any Arizona State University library or computer lab. Speaking to clubs and organizations which meet in libraries or computer labs shall not be considered a violation.

5-1.9 All debates must be registered with the Elections Department.

## 5-2: SOLICITATION

5-2.1 Door-to-door solicitation by candidates or campaign staff affiliated with those candidates is prohibited.

5-2.2 Campaign materials shall not be placed under doors in University Housing including University affiliated housing.

## 5-3: NEUTRALITY

5-3.1 Campaigning by candidates or their staff and the presence of campaigning materials within the USG offices is forbidden.

A. The Elections Commissioner shall determine the boundaries of the USG office at each location.

## CHAPTER 6 -CAMPAIGN MATERIALS 6-1: POSTERS

6-1.1 Posters on any University property shall be placed in accordance with all applicable University and USG policies and procedure.

6-1.2 Posters shall not obstruct any portion of another poster. This includes non- campaign materials (see Chapter 13 -Glossary for a definition of obstruct).

6-1.3 Posters not belonging to the campaign of the person placing the poster may not be relocated or removed in any manner.

6-1.4 Posters shall not be allowed in any Arizona State University building.

## 6-2: OTHER CAMPAIGN MATERIALS

6-2.1 Leafleting of vehicles (on or off campus) or any University building is not permitted. (see Chapter 13-Glossary for the definition of leafleting and University building).

6-2.2 There shall be no use of the USG and/or Arizona State University copyrighted images on any campaign materials.

6-2.3 No chalking is allowed on any university-owned property (see Chapter 13-Glossary for the definition of chalking).

6-2.4 Candidate may not set up his or her own unofficial polling station on the day of Elections.

#### 6-3: CAMPAIGN MATERIAL REMOVAL RESPONSIBILITY

6-3.1 All candidates must remove all campaign materials within twenty-four (24) hours after the final results are announced.

6-3.2 Candidates are responsible for any charges assessed by Facilities Management. The Elections Department shall charge each candidate a thirty dollar (\$30) penalty for removal of posters and campaign materials left up past the deadlines.

#### 6-4: DESTRUCTION OF CAMPAIGN/ NON-CAMPAIGN MATERIALS

6-4.1 Any candidate or staff who intentionally destroys, removes, defaces, or damages campaign or non-campaign material shall be disqualified.

6-4.2 Any candidate or staff has the right to remove any campaign or non-campaign materials, attached on his/her campaign posters, flyers, or campaign materials upon approval of the Elections Department.

### CHAPTER 7-CAMPAIGN EXPENSES 7-1: ACCOUNTING OF EXPENSES

7-1.1 Candidates shall be responsible for declaring all campaign-related expenses on the Expense Form(s) and provide receipts for all campaign materials associated with a candidate to the Elections Department.

7-1.2 All goods and services for which receipts cannot be provided shall be reported on the Expense Form(s). Candidates must also report how and where they obtained these items.

7-1.3 The Elections Department shall log any and all receipts submissions and provide the candidates with a running total of their reported campaign expenditures. This information is public and will be available to anyone who inquires.

7-1.4 Any and all campaign materials and advertisements purchased by either a candidate and/or his/her campaign staff for the purpose of campaigning must be included in the reported campaign expenditures.

## 7-2: REPORTING OF EXPENSES TO ELECTIONS DEPARTMENT

7-2.1 All receipts must be dated.

7-2.2 Documentation for all campaign expenditures for each week and the running total of expenditures leading up to the election shall be reported to the Elections Department by 5:00 p.m. every Friday of the elections season.

7-2.3 All candidates are required to submit their Final Expense Forms with all receipts of expenditures occurring on the days of the Election no later than 5:00 pm on the day after the election. The final expense form shall be comprehensive.

7-2.4 The Elections Department may request a candidate's updated Expense Forms with receipts at any time during an Election. The updated Expense Form with receipts shall be submitted to the Elections Department within twenty-four (24) to forty-eight (48) hours of the request.

## 7-3: ELECTIONS SPENDING LIMITS

7-3.1 The spending limit for each Executive ticket shall not exceed \$750 for West, Poly and Downtown Executive tickets and \$1250 for Tempe Executive tickets. The spending limit for Senatorial candidates shall not exceed \$250. The spending limits can be reduced by each location's Senate for an Election season.

A. Executive tickets in a run-off election shall be allotted a \$250.00 extension to their budget.

B. Senate candidates in a run-off election shall be allotted a \$250.00 extension to their budget

7-3.2 Any donations a ticket receives will be given a fair market value set by the Elections Department and shall be included in the total expenses a candidate is allowed to spend.

## CHAPTER 8 -COMPLAINTS

8-1 Any member of USG, except Judicial Board, shall be permitted to file a complaint with the Elections Department, subject to the following limitations:

A. Complaints relating to senatorial elections shall be filed only by USG members currently enrolled in the college whose senatorial seat is at issue in the complaint. This restriction does not apply to the Elections Department.

B. Complaints shall only allege violations of non-compliance of this Elections Code.



C. The Elections Department may only act upon complaints of non-compliance within this Elections Code.

D. The Elections Department files all complaints on behalf of USG as a whole and may delegate the actual argument of a complaint to any member of the Department.

8-2 Complaints shall specify in what way the Plaintiff was allegedly injured by the actions of the Defendant.

8-3 If the complaint does not specify an injury, or the Elections Department determines that the Plaintiff is uninjured, or that the infraction was insignificant, the Elections Department shall dismiss the complaint with prejudice.

8-4 All complaints against a USG candidate must be received in writing on an official complaint form (or via email) provided by the Elections Department no later than two (2)-business days following the election at issue.

8-5 Notice of a complaint and subsequent hearing information shall be given to all parties concerned within three (3) business days.

8-6 Initial Complaints shall be directed to the Assistant Elections Commissioner. The Elections Department will review the complaints and issue a decision.

8-7 All Defendants are innocent until proven guilty to a standard of the preponderance of evidence by the Plaintiff. (See Chapter 13-Glossary for the definition of preponderance of evidence)

8-8 Candidates or USG Tickets have three (3) business days following issuance of an Elections Department decision to appeal to the Judicial Board.

8-9 The Judicial Board shall issue all election decisions and related orders within three (3) business days of the completion of the appeals process and shall not postpone or suspend General Elections in order to do so.

8-10 In the event that a complaint is filed, the information contained in the complaint is privileged to the complainant, Elections Department, accused, and the Judicial Board. The disposition of the complaints will be made public upon completion of the appeals process.

## CHAPTER 9 -RECORD KEEPING

9-1 The Elections Department shall keep all complaints until the election process is completed, after which all copies and originals of the complaints will be destroyed.

9-2 The Elections Department at each location shall record all final totals and file them with the appropriate ASU office as the official and permanent record of the vote for the elections at issue.

## CHAPTER 10 -ELECTIONS DEPARTMENT & ELECTIONS CODE

### 10-1: ELECTIONS COMMISSIONER, DEPARTMENT, AND STAFF

10-1.1 The Elections Commissioner is selected annually by the Council of Presidents or their designees no later than sixty (60) days before the beginning of the election cycle.

A. The term of office shall be one year from date of selection through September 30.

10-1.2 The President of each USG shall nominate a candidate for Assistant Elections Commissioner, who shall be confirmed by the appropriate Senate by October 1 of each year.

A. Each Assistant Elections Commissioner shall report to the Elections Commissioner. Assistant Elections Commissioners may choose the members of their departments.

B. The Elections Department staff shall be chosen by the Elections Assistant Elections Commissioners through an application process once the fall semester begins.

10-1.3 The Assistant Elections Commissioners from each location shall make up the University Elections Department overseen by the Elections Commissioner.

A. No Elections Commissioner, Assistant Elections Commissioner, or member of their Department shall be affiliated with any candidate's campaign.

B. No Elections Commissioner, Assistant Elections Commissioner, or member of their Departments shall hold office (elected or appointed) during the newly elected candidates' term of office.

C. No Elections Department staff member may be affiliated with any candidate's campaign.

D. Violation of this section (10-1.3, A-C) shall result in the immediate removal of the offending staffer.

10-1.4 The Elections Department shall oversee elections for all USG elected offices and any special elections that may be held during the year.

10-1.5 The Elections Commissioner shall issue the final interpretation of this document pending any appeals to the Judicial Board.

10-1.6 The Elections Department staff shall be required to keep and make public their office hours to answer questions and perform any tasks for their position.

### 10-2: NOTIFICATION OF AN APPEAL AGAINST THE ELECTIONS COMMISSIONER, ASSISTANT ELECTIONS COMMISSIONER, OR DEPARTMENT

10-2.1 All complaints against the USG Elections Commissioner, Assistant Elections Commissioner, or Department must be received in writing on an official complaint form which may be picked up from and submitted to the designated office on each location.

10-2.2 Notice of a complaint and the time, date, and location of any subsequent hearing shall be given to all parties concerned within two (2) business days of the receipt of such a complaint. The name and number of the Judicial Board Leader will be provided.

### 10-3: ELECTIONS CODE

10-3.1 This document shall supersede all other elections-related rules except for the USG Constitution, and each campus' respective USG Bylaws.

## CHAPTER 11 -COURT ADJUDICATION

11-1 A candidate has the right to appeal a decision by the Elections Department in writing to the Judicial Board. The candidate has three business days to appeal. After three (3) business days, the candidate loses this right.

11-2 During the appeal period, the candidate shall comply with the requests of the Judicial Board until a decision has been made on the appeal. However, the final decision of disqualification or interpretation of the USG Elections Code is reserved for the Supreme Court.

11-3 If a Judicial Board has not been established by candidate application availability date, then the election committee will assume the role of Judicial Board.

11-4 If a Supreme Court is established before candidate campaigning begins, then the election committee will no longer assume the role of the Judicial Board and will submit this role to the Supreme Court.

## CHAPTER 12 -VIOLATIONS OF THE ELECTIONS CODE

### 12-1: ENFORCEMENT OF PENALTIES

The Elections Department will assess and enforce all penalties.

### 12-2: CLASSIFICATION OF VIOLATIONS

12-2.1 Violations shall be classified as follows

#### A. Level One Violations shall include:

1. Unlawful removal of campaign materials
2. Failure to abide by the provisions in Campaign Conduct (See Chapter 5)
3. Failure to abide by provision in Posters (See Chapter 6.1)

#### B. Level Two Violations shall include:

1. Campaign Conduct in libraries and computer labs (See Chapter 5-1.8)
2. Failure to abide by provisions in Solicitation (See Chapter 5-2)
3. Failure to abide by the Neutrality provision (See Chapter 5-3)

4. Obstructing the Elections Department in the discharge of departmental duties (Chapter 6-2.4)
  5. Posters or leafleting in University Buildings
- C. Level Three Violations shall include:
1. Failure to abide by provisions in Campaign Expenses Accounting (See Chapter 7-1)
  2. Failure to abide by provisions in Campaign Expenses Reporting (See Chapter 7-2)
  3. Failure to abide by provisions in Campaign Spending Limits (See Chapter 7-3)
  4. Failure to attend the mandatory candidates meeting (See Chapter 2-3.1)
  5. Falsification of paperwork required by the Elections Code Aiding another individual in fraudulent voting
  6. Destruction of campaign/non-campaigning materials
  7. Setting up unauthorized polling location (See Chapter 6-2.4)

### 12-3: PENALTIES OF CLASSIFICATIONS

The penalties for the three classifications are as follows:

12-3.1 Level One will result in three points per infraction.

12-3.2 Level Two will result in six points per infraction.

12-3.3 Level Three will result in candidate disqualification.

### 12-4: DISQUALIFICATION

Accumulation of nine points or conviction of a Level Three Violation shall result in the disqualification of the candidate.

## CHAPTER 13-GLOSSARY

Altering shall be defined as modifying a sign or poster from its original state.

Amplification Equipment shall be defined as any electronic equipment that is used to enhance or amplify an individual's voice including, but not limited to, PA systems, microphones, etc.

ASASU (Association Students of Arizona State University) shall be defined as inclusive of the Undergraduate Student Government at ASU's four locations (Downtown, Polytechnic, Tempe and West) and the Graduate and Professional Student Association.

ASASU/USG sponsored event shall be defined as any event implemented or funded by ASASU/USG.

ASASU/USG property shall be defined as any capital equipment or supplies belonging to the Associated Students of Arizona State University or Undergraduate Student Government.

Campaign material shall be defined as any paraphernalia including, but not limited to, posters, signs, leaflets, t-shirts, buttons, handbills, websites, or any other advertising outlet attached to a candidate's name that is created with the intention of soliciting votes or other materials interpreted in Chapter 7.

Campaigning shall be defined as any public action including signs, posters, web sites, scheduling of speaking engagements, or other activities interpreted in 9-5.1, initiated by either a candidate or a member of his/her campaign staff to persuade members of the student body to vote for or against a candidate(s), initiatives, referendums.

Candidate shall be defined as individual(s) running for office and those officially associated through Elections Department record with the respective campaign.

Chalking shall be defined as any permanent, semi-permanent, or temporary application affixed to any surface of Arizona State University

Defacing shall be defined as spoiling or marring the appearance or surface of a sign or poster.

Defendant shall be defined as the person against whom any complaints are filed with the elections department.

Destroying irreparably defacing campaign material.

Donation shall be defined as anything that is given to one who is campaigning from another party. All donations will be judged at fair market value by the elections department.

Door-to-door solicitation shall be defined as going from residence to residence for the purpose of campaigning or encouraging the residents within to vote. Door-to-door solicitation applies to Residence Halls and Greek Life Houses beyond discussion during a formal meeting time.

Duration refers to the Election Period as determined by the Elections Department.

Endorsement shall be defined as publicly expressed support or approval of a candidate or candidate ticket.

Fair market value shall be defined as the cost of an item based on the average of three price estimates including the equivalent of Tempe and Arizona taxation rates. Fair market value shall be determined by the elections department.

Falsification shall be defined as the act of making false by altering or adding to.

Flyer shall mean any stationary or printed material up to the size of eight and one half inches by eleven inches (8 1/2" X 11 ") that is displayed or distributed anywhere on campus.

Fraudulent shall be defined as marked by, constituting, or gained by fraud.

Leafleting shall be defined as distributing stacks of campaign material to one establishment (e.g. leaving stacks of handbills in a departmental office or dropping handbills from the top of the student union).

Majority shall be defined as fifty percent plus one.

May shall be defined as permissive.

Negligence shall be defined as not taking prudent care or failing to take due caution.

Obstruct shall be defined as the covering of any poster that covers another over one-fourth of an inch (1/4).

On-campus shall be defined as any property owned, operated, or recognized as University affiliated property.

Plaintiff shall be defined as the party that institutes a complaints before the elections department.

Poll Worker shall be defined as any association USG member assigned to work at a polling site.

Polling Site shall be defined as any place where voting can take place.

Plurality shall be defined as a receiving more votes than any other while not necessarily a majority

Poster shall mean any stationary or printed material greater than the sizes of eight and one half inches by eleven inches (8 1/2" x 11 ") that is displayed anywhere on campus.

Preponderance of Evidence shall be defined as evidence showing that a party's version of facts, causes, damages, or fault, is more likely than not the correct version.

Proxy shall be defined as one who acts as a substitute for another.

Public polling station shall be defined as any voting location officially sponsored by the USG Elections Department.

Shall is defined as mandatory.

University building shall be defined as any building both owned by the university and operated by university staff or faculty.

USG member shall be defined as any undergraduate student enrolled in Arizona State University.

Violation shall be defined as any infringement of the rules.

Will is defined as conditions permitting.

