

TITLE V

Elections Code

Article 1: Purpose

The purpose of the Election Code is to provide and regulate the necessary process in order to elect student body officers and representatives pursuant to the Constitution of the Associated Students of Arizona State University Polytechnic. No portion of the Elections Code shall be invalidated either solely or partially on the basis of this statement of purpose.

Organization

All election preparations and organization shall be under the jurisdiction of the prescribed body to be created by each individual campus of Arizona State University. A candidate may only run for a position at the campus where the student's college and/or school is housed. For the purposes of this Elections Code, this body shall be referred to as the elections department. This name shall not affect the organization of the individual campus elections supervisory group. Anything not enumerated within this code shall be under the jurisdiction of the elections department of each campus. The elections department of each campus shall, in no way, affect another.

Article 2: Definitions

- 2.1 ASASUP member shall mean any student enrolled in at least 6 credit hours at Arizona State University Polytechnic campus.
- 2.2 Ballot shall mean the media on which the vote is recorded, transmitted, or counted.
- 2.3 Candidate shall mean one who meets the qualifications as outlined in the ASASUP Constitution, and who has met the requirements of Candidacy as defined in Article IX, Section 4 of the ASASUP Constitution.
- 2.4 Campaigning shall mean any activity by a candidate that has a primary purpose of furthering the candidate's likelihood of being elected, or by an individual that has a primary purpose of furthering the defeat of or passage of referendum, initiative, or candidate.
- 2.5 Campaign material shall mean any supplies used by a candidate that has the primary purpose of furthering the candidate's likelihood of being elected.
- 2.6 Flyer shall mean any printed material up to the size of 8.5" x 11" that is displayed or distributed anywhere on campus.

- 2.7 Poster shall mean any printed material greater than the size of 8.5" x 11" but no larger than 18" x 24" that is displayed or distributed anywhere on campus.
- 2.8 A sign shall mean any free standing flyers, posters, or variant of the same supported by wooden or metal stakes of any size up to 18" x 24".
- 2.9 Leafleting shall mean 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).
- 2.10 Altering shall mean modifying a sign or poster from its original state.
- 2.11 Defacing shall mean spoiling or marring the appearance or surface of a sign or poster.
- 2.12 Destroying shall mean completely ruining a sign or poster.
- 2.13 Falsification shall mean the act of making false by alteration.
- 2.14 Fraudulent shall mean marked by fraudulent comments, constituting fraudulent information, or gained by fraudulent means.
- 2.15 Fair Market Value shall mean the cost of an item based on the average of three price estimates including the equivalent of Mesa and Arizona taxation rates. Fair market value shall be determined by the elections department.
- 2.16 Plaintiff shall mean the party that institutes a protest before the Elections Commission.
- 2.17 Defendant shall mean the person against whom any Protest is filed with the Elections Committee.
- 2.18 Majority shall mean fifty (50) percent plus one (1) vote.
- 2.19 Proxy shall mean written authorization to vote in the place of another.
- 2.20 Valid signature shall mean the signature of an ASASUP member.

Article 3: Elections Commission

- 3.1 The Elections Commission shall be an independent authority within ASASUP and shall have the full responsibility for the administrative conduct of all ASASUP elections.
- 3.2 The Chair and members of the Elections Commission will be ASASUP members who will not be returning the next academic year to ASASUP. The committee

will have three (3) members, including the Chair, with each member receiving one vote.

- 3.3 The Chair of the Elections Commission will be decided on by members of the Elections Commission how they deem fit to do so.

Article 4: Candidacy

- 4.1 The ASASUP Constitution and Bylaws bind candidates for a single executive office or senatorial seat.
- 4.2 Candidates can run for one (1) position.
- 4.3 Requirements and criteria for candidacy are outlined in the ASASUP Bylaws (Executive Branch - Article 1, Sections 2 & 4) and the ASASUP Constitution (Article 3, Section 2).
- 4.4 To declare one's candidacy for an executive office or senatorial seat, an application must be submitted by the deadline set by the Elections Commission.
 - 4.4.1 Candidacy applications are designated by the Elections Commission. The Elections Commission shall make applications freely available to any association member inquiring about election information.
 - 4.4.2 Candidacy applications shall be turned in to ASASUP, Office of Student Affairs, or Info Desk Staff in the Student Union on or before the set deadline. Candidates who submit their application by the set deadline shall be placed on the election ballot.
 - 4.4.3 ASASUP, the Office of Student Affairs, and Info Desk Staff shall date all applications at the time they are turned in.
- 4.5 A candidate's name shall appear on the ballot as written on that candidate's application. A candidate may request on the application that an abbreviated or alternate version of his/her name be listed on the ballot. Requests will be reviewed and approved/denied by the Elections Commission.
- 4.6 A member of the ASASUP may run as a Write In Candidate provided that he/she personally sign and file the following statement no later than 5 pm the Friday prior to the week of the elections: "I (insert name of candidate only as shown on the ASU Sun Card. If candidate has no card, the name under which said candidate is registered for classes shall be used) certify that I am a member of ASASUP as defined in the ASASUP Constitution and meet the qualifications for the position of (insert name of position) outlined in Article IX, Section 3 therein. I am filing as a Write In Candidate and understand and agree that my name shall not appear at the same time on the ballot as the option to record a vote during the ASASUP

election.”

4.6.1 Write In Candidates must follow all rules provided for candidates as appropriately stated within Elections Codes

- 4.7 The Chair of the Elections Committee shall verify that each person desiring to be a candidate meets the requirements of Article IX Section 3 of the ASASUP Constitution and the requirements outlined in Article 4 of this document. Any person failing to meet the requirements shall not be allowed to stand as a candidate regardless of any petitions submitted, and any votes for that person shall be null and void.

Article 5: Campaigning

- 5.1 Candidates must be sensitive to the campus environment by not littering.
- 5.2 Campaigning that disrupts the normal flow of university business is prohibited and can be stopped by the proper university official.
- 5.3 Printed material shall not be attached to the body or glass of any vehicle with the exception of the candidate’s own personal vehicle.
- 5.4 Leafleting is prohibited.
- 5.5 No campaign material will be posted on the monitors of any computers at ASU.
- 5.6 No material shall be posted or stored in any ASASUP office, to include the Senate and Executive Board.
- 5.7 No candidate shall employ amplification equipment for campaigning on campus.
- 5.8 A candidate is allowed to past a maximum of 100 signs or posters.
- 5.9 A candidate is allowed to handout flyers smaller than 8.5” x 11” sized paper. No flyer shall be left on tables or cars.
- 5.10 No candidate shall spend more than \$150 on his or her campaign.
- 5.10.1 Personal funds can be used to create flyers, posters, signs, buttons, and other advertising paraphernalia.
- 5.11 No candidate shall hold a food event.
- 5.11.1 One food event will be sponsored by the Elections Commission for all candidates to attend and have equal campaign representation if they choose to attend.

- 5.12 Campaigning on any electronic list serves or via the Internet is strictly prohibited until the individual is confirmed as a candidate.
- 5.13 There shall be no campaigning within 50 feet of a polling site. Upon erection of a polling site, the elections department shall have complete authority to remove all campaign material within the 50 foot limit without protest.
- 5.14 Since our elections have no way to run a joint ticket election, no candidate shall run on a joint ticket.
- 5.15 Endorsing another candidate in print form is prohibited. The name of another candidate may not appear anywhere on the printed campaign material of another candidate.
- 5.16 Each candidate may turn in a statement of not more than 300 typed words to the Elections Committee describing the candidate's desire and qualifications for the position of which they have filed for. Statements may also be accompanied by one wallet-sized photo, professional in nature. Statements and pictures shall be made available upon request at every polling site. All statements are due at the time outlined by the Elections Committee.

Article 6: General Elections

- 6.1 The Elections Committee shall conduct General Elections. The Elections Committee shall not enjoin or postpone a General Election. Election matters will be overseen and adjudicated by the ASASUP Supreme Court and/or the Elections Committee, as which can provide feedback on the matter within the specified time dictated by the Elections Code.
- 6.2 The General Election results shall determine the winning candidates.
 - 6.2.1 The candidates for each executive office and senatorial seat receiving the highest number of votes shall be declared winners of the General Elections.
 - 6.2.2. In the event of a tie for the last vacant Senatorial Seats or for an executive position, the tying candidates shall proceed to a Run Off Election.

Article 7: Run Off Elections

- 7.1 The Elections Committee shall conduct a Run Off Election as needed. The Elections Committee shall not enjoin or postpone the Run Off Election. The Run Off Election shall be conducted according to the guidelines in Article 6.
- 7.2 Any write-in candidate in a General Election or Special Election who qualifies for a run off election will be considered an official balloted candidate for the Run Off

Election.

Article 8: Voting

- 8.1 All casting of ballots will be held at a polling site online for each election or at any computer accessible to a voter.
- 8.2 There shall be a minimum of one polling site for each election.
- 8.3 Election Sites open at 9:00 am and close no later than 9:00 pm, with the online voting (via myASU) made available from 12 am (Midnight) on the first day elections through the entire 48 hour duration of the election.
 - 8.3.1 University polling sites must be staffed by a minimum of one person, trained by the Elections Committee in the procedures and security measures applicable to their jobs.
 - 8.3.2 The Elections Committee shall be responsible for the election and maintenance of university polling sites.
- 8.4 Voting will be confidential.
- 8.5 Absentee and proxy voting are not permitted.
- 8.6 All persons producing evidence of membership in the ASASUP as defined in the ASASUP Constitution are eligible to vote.
- 8.7 Only currently enrolled members of Arizona State University shall be permitted to vote.
- 8.8 Following Election Day/s, the Election Committee shall tabulate all ballots.
- 8.9 Votes for persons other than candidates or filed Write In Candidates who are not on the ballot shall not be tabulated.
- 8.10 If a voter casts more than one vote for any specific executive position, or if a voter casts more than the allotted total number of senatorial seats, none of those votes shall be tabulated.
- 8.11 When tabulation is completed, the Chair of the Elections Committee along with the rest of the Elections Committee shall certify the results and shall deliver a copy of the certified results to the Dean of Student Affairs Office for publication and announcement.

Article 9: Record Keeping

- 9.1 The members of the Elections Committee shall keep all Candidate Applications until the election process, including all protests, is completed, at which point the members of the Elections Committee shall destroy all copies and originals of the Candidate Application.
- 9.2 The members of the Elections Committee shall keep all protests until the election process is completed, at which point the members of the Elections Committee shall destroy all copies and originals of the Candidate Application.
- 9.3 The Chair of the Elections Committee shall record all final totals and file them with the Director of Student Activities/Student Union as the official and permanent record of the vote for the elections at issue. Said records shall be available for audit by ASASUP and any of its official entities.

Article 10: Protests

- 10.1 All protest and penalties for violations of this Elections Code shall be jurisdiction of each campus's election department.
- 10.2 Any member of the ASASUP, except Elections Committee members shall be permitted to file a protest subject to the following limitations:
 - 10.2.1 Protests relating to senatorial elections shall be filed only by ASASUP members
 - 10.2.2 Protests shall only allege violations for which penalties are specified under this Bylaw.
 - 10.2.3 The Elections Committee is forbidden to grant any relief other than the penalties specified under this Bylaw and specifically, but not exclusively, is prohibited from enjoining the holding of any election otherwise interfering with the composition of any ballot.
 - 10.2.4 The Elections Committee Chair may file protests regarding senatorial election. The restrictions on the filing of the complaints to currently enrolled members of the relevant college in senatorial selection do not apply to the Elections Committee Chair.
 - 10.2.5 The Elections Committee Chair files all protest on behalf of the ASASUP as a whole and may delegate the actual argument of a protest to members of the Elections Committee.
- 10.3 Protests shall specify in what way the Plaintiff was allegedly injured by the actions of the Defendant.

10.3.1 If the protest does not specify an injury, or the Elections committee finds that the plaintiff is uninjured, or that the infraction was de minimis, the Elections Committee shall dismiss the protest with prejudice.

10.3.2 Protests shall be filed with the Elections Committee between the hours of 8 am and 9 pm no later than two business days following the election at issue, and shall be immediately referred to the other members of the Elections Committee.

10.3.3 All defendants are innocent until proven guilty beyond a reasonable doubt.

10.3.4 Any defendant may assert that the violation charged was caused by ominous natural forces. The burden of proof is on the defendant with regards to this defense.

Article 11: Penalties

11.1 If the Elections Committee or the Supreme Court should assess a penalty for a specific violation of the Election ode, the penalty assessed shall be the penalty designated by the violation's classification.

11.2 No penalty shall be assessed for a violation not classified under this article.

11.3 The classifications of violations are as follows:

11.3.1 Class One Violations: Failure to abide by the provisions of Article 5, 5.1 through 5.7 inclusive shall count as one infraction per provision violated. Each infraction shall count as one violation.

11.3.2 Class Two Violations: Deliberately defacing, altering, or destroying the posters or signs of another candidate without that candidate's explicit written permission. Each poster or sign at issue counts as a separate violation; obstructing the Elections Committee in the discharge of official duties.

11.3.3 Class Three Violations: Falsification of paperwork required by Election Code; knowledge of the commission of a violation prior to or during its occurrence; (no defendant shall be penalized absent a showing that the knowledge was coupled with failure to attempt to prevent the violation or to attempt to rectify the violation); aiding another individual in fraudulent voting.

11.4 The penalties for the three classifications are as follows:

11.4.1 Class One: three penalty points.

11.4.2 Class Two: six penalty points.

11.4.3 Class Three: disqualification.

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

Article 12: Timeline

12.1 The Elections Committee shall seclude the General Election for the first Tuesday and Wednesday in the month of April.

12.2 The dates of the General Election shall be publicized no fewer than sixty (60) days prior to the election.

12.3 Campaigning for the General Election shall begin no earlier than thirty (30) days prior to the first day of the General Election, or by the date set forward by the Elections Committee.

12.4 The elections department shall hear and announce decisions on all protests within two (2) business days after receiving the protest.

12.5 Individuals may appeal directly to the Elections Committee within forty-eight (48) hours following the election.

12.6 Candidates have one week following the issuance of an Elections Committee decision to appeal to the Supreme Court.

Article 13: Neutrality

13.1 Campaigning by candidates or their staff within ASASUP offices is forbidden. This ban does not extend to clothing and personal adornments, such as buttons, shirts, and stickers.

13.2 ASASUP and the Offices of Student Engagement/Affairs property shall not be used for campaigning unless specifically designated for that purpose.

Article 14: Referendum and Initiative Procedures

14.1 In pursuant to Article XI of the ASASUP Constitution all referendums and campus initiatives shall accomplish the following before petitioning the membership of ASASUP.

14.1.1 Must have been registered as a RSO (registered Student Organization) for no less than 2 years at the Polytechnic Campus.

14.1.2 Shall require the organization that wishes to petition the campus to provide a detailed spreadsheet that can be presented publicly to all students showing the plan for the use of the monies that would be generated by a fee.

14.1.3 Must show a detailed plan showing work and accomplishments on campus. This report must be filed with ASASUP and also Student Affairs and be publicly visible for no less than 6 months before any election can be called.

14.1.4 Shall call a meeting of the campus to discuss the measure and allow the organization to present the measure at hand. This shall happen no less than 6 months before any election can be called.

14.1.5 Require an executive order by the President of ASASUP, as pursuant Article XI of the ASASUP Constitution to publish said executive order to all outlets, such as the State Press and publish in Student Affairs outlets.