

2010 ASASUD Election Code

Article 1: Purpose

The sole purpose of the Election Code is to provide the mechanism necessary to elect student body officers pursuant to the Constitution of Associated Students of Arizona State University Downtown (ASASUD). No portion of the Election Code shall be invalidated either solely or partially on the basis of this statement of purpose.

Article 2: Definitions

2.1 Altering shall mean modifying a flyer, poster, or poster from its original state.

2.2 ASASUD members shall mean any student who is enrolled in a minimum one credit hour, employed by a department as a student employee, and/or reside on Arizona State University's Downtown campus.

2.3 ASASUD shall mean Associated Students of Arizona State University Downtown.

2.4 ASASUD office shall mean ASU Wells Fargo Student Center from Room 213.

2.5 Ballot shall mean the medium on which the vote is recorded, transmitted, or counted.

2.6 Campaign material shall mean any supplies used by a candidate or candidate's staff that have the primary purpose of furthering the candidate's likelihood of being elected.

2.7 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 a candidate.

2.8 Candidate shall mean one who meets the qualifications as outlined in ASASUD's Constitution, and who has met the requirements of candidacy as defined in Article IX, Section 1 of ASASUD's Constitution.

2.9 Defacing shall mean spoiling or marring the appearance or surface of a flyer or poster.

2.10 Defendant shall mean the person against whom any protest is filed with the Elections Committee.

2.11 Destroying shall mean completely ruining a flyer or poster.

2.12 Falsification shall mean the act of making a false statement verbal, non-verbal or by alteration.

2.13 Flyer shall mean any printed material up to the size of eight and one half inches by eleven inches (8.5" x 11") that is displayed or distributed where permission is given to all candidates equally on campus.

2.14 Plaintiff shall mean the party that institutes a protest before the Elections Committee.

2.15 Poster shall mean any printed material the exact size or greater than eight and one half inches by eleven inches (8.5" x 11") and up to twenty four inches by eighteen inches (24" x 18") that is displayed where permission is given to all candidates equally on campus. Sign shall mean the same as a poster.

2.16 Valid signature shall mean the signature of an ASASUD member. An approval confirmation sent from the official Elections Committee e-mail account shall act as a valid electronic signature.

Article 3: Election Committee

3.1 The Elections Committee shall be an independent authority within ASASUD and shall have the full responsibility for the administrative conduct of all ASASUD elections.

3.2 An active member shall be defined as having missed no less than one unexcused Elections Committee meeting prior to the meeting for which voting will occur. The Elections Committee will vote on whether or not an absence will constitute as being unexcused or excused.

3.3 The Chair and members of the Election Committee will be ASASUD members. The Committee will have at least three members (including the Chair), with each active member (including the Chair) receiving one vote.

3.4 Business that requires voting by the Elections Committee shall be passed only if 50% plus one (1) of active Election Committee members present vote on the business at hand.

3.5 The Elections Committee will make decisions and levy violation points in matters concerning ambiguities, questions, or violations of the Elections Code. The members of the Elections Committee shall have the power to warn, sanction, or disqualify a candidate in a uniform manner.

Article 4: Candidacy

4.1 ASASUD Constitution binds candidates for a single executive office OR a single senatorial seat.

4.2 Upon completion of the requirements of candidacy, a student shall be placed on the ballot for the position indicated on the nominating application. Candidates can run for only one position.

4.3 Requirements and criteria for candidacy are outlined in the ASASUD Constitution.

4.4 A member of ASASUD may become a candidate for a particular Executive office or Senatorial seat if they return a valid candidate application for that particular office by the deadline set by the Election Committee.

4.5 Election candidate application shall be those designed by the ASASUD Election Committee. The Election Committee shall make application packets freely available to any member of ASASUD via the ASASUD office or electronic version.

4.5 Election candidate application shall be turned into ASASUD or designated location on or before the deadline set forth by the Election Committee. Those candidates filing a valid application by the deadline set by the Election Committee shall be placed on the Election Ballot.

4.6 ASASUD shall date all petitions at the time they are turned in.

4.7 If a candidate is running for a senatorial seat, the candidate must state the College/School of the senate seat that s/he seeks to hold. A candidate must be registered as a student in the College/School s/he seeks to represent as a senator and must qualify for a position as defined in ASASUD Constitution.

4.8 A candidate shall appear on the ballot under the name used on the candidate's application. A candidate may request on the application that an abbreviated version of her/his first name or a nickname be listed on the ballot along side her/his last name. Requests will be reviewed and approved/denied by the Election Committee.

4.9 A member of ASASUD may run as a Write-in candidate provided that s/he personally sign and file the following statement no later than 5pm the Friday prior to the week of the elections: "I (insert name of candidate only as shown on 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 ASASUD as defined in ASASUD's Constitution and meet the qualifications for the position of (insert name of position) outlined in the constitution 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 ASASUD election."

4.10 Write-in candidate's must follow all rules provided for candidates as appropriately stated within Election Codes.

4.11 The Chair of the Election Committee shall verify that each person desiring to be a candidate meets the requirements provided in ASASUD's Constitution. 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 are asked to 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 No printed material shall be attached to the body or glass of any vehicles, with the exception of the candidate's own personal vehicle, or a member of the association running with said candidate, having given their expressed written permission.

5.4 No tangible or electronic campaign material will be posted on the monitors of any computers at ASU.

5.5 No candidate shall employ amplification equipment for campaigning on campus.

5.6 A candidate is allowed to post a total maximum of 50 flyers, posters or signs. No more than three 18x24 posters can be posted on campus.

5.7 A candidate is allowed to distribute an unlimited amount of interest cards. Interest cards shall be no larger than 8.5 by 5.5 and are to be distributed where permission is given. All university policies are to be adhered.

5.8 Campaigning on any electronic list serves or via the Internet is strictly prohibited until the individual is confirmed as a candidate.

5.9 Candidates are expected to follow the rules of any Arizona State University building concerning advertisement, soliciting, etc.

5.10 Campaigning material on any University property shall be placed in accordance with all applicable University and ASASUD policies and procedures.

5.11 There shall be no use of the ASASUD and/or Arizona State University copyrighted images.

5.12 No campaign materials shall be utilized until the campaign period has begun.

5.13 Each candidate must submit all campaigning materials used in the campaign and it must be approved by the Election Committee before distribution.

5.14 Candidates must remove all campaign materials within forty-eight (48) hours after the results are announced.

5.15 All candidates running in the runoff election must remove all campaigning materials within forty-eight (48) hours after polls are closed.

5.16 Campaigning or distribution of campaign materials cannot begin before the dates set by the Election Committee.

5.17 Campaigning in a classroom is strictly prohibited at any time.

5.18 No candidate shall accept donations or endorsements from any organization that is entirely dependent on ASASUD funding. No organization shall request student fee money to endorse a candidate.

5.19 No chalking is allowed on any University-owned property.

5.20 No active campaigning (example: door-to-door campaigning, posting signs on other residents doors or giving material to CA's for distribution) on residential floors in Taylor Place.

5.22 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 already within the 50-foot limit, without protest.

5.23 No campaign material shall be posted or stored in any ASASUD office.

5.24 Candidates cannot maintain any polling site including walking up to students with a laptop for voting.

5.25 All candidates are responsible for their campaign staff.

Article 6: General Elections

6.1 The Election Committee shall conduct General Elections. The Election Committee shall not enjoin or postpone a General Election. Election matters will be overseen and adjudicated by the Election Committee.

6.2. If during the general election no one ticket receives at least fifty-one percent of the votes there will be a mandatory run-off election.

6.1 The two Senatorial candidates from each College/School receiving the highest vote totals in each College/School shall be declared the winners of the General Election. If during the general election there is a tie for a position in the top two senator seats, there shall be a mandatory run-off election between the candidates receiving the ties in the general election. The senator run-offs will be held in conjunction with the presidential run-offs. The remaining Senatorial seats in each College/School shall be filled by the next highest vote totals in descending order until all seats are filled.

6.3 Candidates running for the respective executive positions (President and Vice President) with at least fifty-one percent of the votes shall be declared winners of the respective executive positions of the General Election.

Article 7: Runoff Elections

7.1 The Elections Committee shall conduct a Runoff Election as needed. The Elections Committee shall not enjoin or postpone the Runoff Election. The Runoff Election shall be conducted according to the guidelines in Article 6 of the Election Code.

7.2 Any write-in candidate in a general election or special election who qualifies for a runoff election will be considered an official balloted candidate for the runoff election.

Article 8: Voting

8.1 Voting will be confidential.

8.2 Absentee and proxy voting are not permitted.

8.3 All persons producing evidence of membership of ASASUD as defined in ASASUD's Constitution are eligible to vote. Eligibility is subject to verification.

8.4 Only currently enrolled members of an ASASUD College or School shall be permitted to vote for the Senators from that College or School.

Article 9 Tabulation of Results

9.1 Following election day/s, (Monday – Friday) the Elections Committee shall tabulate all ballots.

9.2 Votes for persons other than candidates or filed Write-in candidates who are not on the ballot shall not be tabulated.

9.3 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 in her/his college, none of those votes shall be tabulated.

9.4 When tabulation is completed, the Chair of the Elections Committee shall certify the results and shall deliver a copy of the certified results to the State Press and the Dean of Student Affairs Office for publication and announcement. Additionally, all candidates will be contacted with the certified results no later than the end of the first business day after the election at issue.

Article 10: Record Keeping

10.1 The Director of Student Engagement shall keep all candidate Applications until the election process, (including all Protests,) is completed, at which point the Director shall destroy all copies and originals of the candidate Applications.

10.2 The Director of Student Engagement shall keep all protests until the election process is completed, at which point the Director shall destroy all copies and originals of the protests.

10.3 The Chair of the Elections Committee shall record all final totals and file them with the Director of Student Engagement as the official and permanent record of the vote for

the elections at issue. Said records shall be available for audit by ASASUD or any of its official entities.

Article 11: Protests

11.1 Any member of ASASUD shall be permitted to file a Protest subject to the following limitations:

11.2 Protests relating to senatorial elections shall be filed only by ASASUD members currently enrolled in the College/School whose senatorial seat is at issue.

11.2 Protests shall only allege violations for which penalties are specified under this Bylaw.

11.3 The Elections Committee is forbidden to grant any relief or pardon for any penalties listed in this election code.

11.4 Protests shall specify in what way the Plaintiff was allegedly injured by the actions of the Defendant.

11.5 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.

11.6 Protests shall be filed via email to the official Elections Committee email account no later than two business days following the election at issue.

11.7 All Defendants are innocent until proven guilty beyond a reasonable doubt to the Plaintiff.

11.8 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 12: Penalties and Complaints

12.1 The Elections Committee shall assess and enforce all penalties

12.2 The classifications of violations are as follows:

12.2.1 Class One Violations shall be failure to abide by the provisions of 5.1 through 5.25 in this Election Code. They shall count as one infraction per provision violated.

12.2.2 Class Two Violations shall mean deliberately defacing, altering, or destroying the flyer or poster of another candidate without that candidate's explicit written permission. Each flyer or poster at issue counts as a separate violation.

12.2.3 Class Three Violations: Falsification of paperwork required by Election Code; knowledge of the commission of a violation prior to or during its occurrence; aiding another individual in fraudulent voting.

12.3 The penalties for the three classifications are as follows:

12.3.1 Class One: three penalty points.

12.3.2 Class Two: six penalty points.

12.3.3 Class Three: disqualification.

12.4 If the Elections Committee is presented with a protest that is not a Class One, Class Two or Class Three classification and the Election Committee decides that it is indeed a violation of the Elections Code this violation shall be penalized one point per a violation.

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

12.6 Complaints shall be filed with the Election Committee. Complaints may be submitted via email to the official Election Committee e-mail address all accompanying documents are to be hand delivered in a sealed envelope to the Director of Student Engagement if needed.

12.7 Complaints must be submitted on the official complaint form provided by the Election Committee.

Associated Students of Arizona State University Downtown

Article 13: Protest Timeline

13.1 The Elections Committee shall hear and announce decisions on all Protests within three business days following a legitimate complaint.

13.2 All decisions by the Elections Committee shall be posted in writing to the involved candidates via email or printed document. Any member of ASASUD shall have the right to request a copy of the protest decisions made by the Elections Committee.

Article 14: Neutrality

14.1 Campaigning by candidates or their staff, within the ASASUD office and/or an official ASASUD function, is forbidden.

14.1.1 This ban does also extend to clothing or personal adornments such as buttons and stickers worn by staff of ASASUD and of Arizona State University.

14.2 ASASUD property shall not be used for campaigning unless designated for that purpose.

Article 15: Conflict of Interest

15.1 Any candidate running for any position in ASASUD who is a member of the Elections Committee shall have no voting privileges (including approvals) during the election process. The election process shall begin at the start of the first information meeting to the time that the winners are declared. The election process includes but is not limited to campaigning, approval of campaign material, tabulating votes, viewing of candidate receipts and announcing the winners.

15.2 No member of the Elections Committee shall endorse, campaign for, make a contribution to, or in any other manner support any candidate(s) or ticket(s) for any ASASUD elected office or any ASASUD Ballot Measure(s) except for his/her vote in the Election.

Article 16: Spending Limits

16.1 No Ticket for Executive Office shall spend over \$500 on their Campaign.

16.2 No Candidate for Senate shall spend over \$200 on their Campaign.

16.3 Exceeding spending limits will result in a Class Three Violation. If elected, the officer will lose office and next runner up will be declared winner by the Elections Committee.

Article 17: Campaign Expenses

17.1 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 Committee.

17.2 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.

17.3 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.

Article 18: Reporting Campaign Expenses to Elections Committee

18.1 All receipts must be itemized and dated.

18.2 A candidate must also include a sworn statement attesting to the accuracy of the Expense Form(s). The candidate will be held accountable for all declared and undeclared campaign expenses.

18.3 All candidates are required to submit their Final Expense paperwork by no later than 5pm on the day after the election.

18.4 The Expense Form, receipts of expenditures occurring during their campaign and sworn statement are to be delivered to The Director of Student Engagement in a sealed envelope by the deadline.

18.5 The Elections Committee 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 Committee within twenty-four (24) hours of the request.

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