



(Associated Students of New Mexico State University)

2008 FALL ELECTION PACKET

October 7, 2008

Dear Prospective Senatorial Candidate,

I would personally like to thank you on your willingness to get involved with ASNMSU. It is always great to know that students are out there that have pride in their university and their student government. We are looking forward to another great year and many fun times. I have included the following in this packet:

1. Available Positions
2. Important Dates
3. Biography Instructions
4. Freedom of Expression Policy / CCSU Campaign Regulations
5. ASNMSU Constitution / ASNMSU Election Code (Chpt. 2 of Lawbook)
6. Petition of Candidacy
7. Official Nomination Forms
8. Qualification / Check Release
9. Financial Disclosure
10. List Serve Form
11. Official Violation Form

Please watch the dates and times listed on the next page. These deadlines are set and will not be altered for any reason; any violation will be grounds for disqualification. **There is a mandatory meeting October 17th, at 5:00p.m in the New Mexico Room (3rd floor of Corbett).** Candidate pictures will be taken at this meeting. **Candidate Biographies and petitions will be due at this meeting; no late submissions will be accepted for any reason. The Biographies must be no longer than 200 words and must be given on a CD or jump drive, and a hard copy. **NO LATE SUBMISSIONS WILL BE ACCEPTED.**** Be sure to get at least twenty-five extra signatures on your petitions in case any names are deemed invalid; in addition, make sure that all names are printed legibly, as all others will be deemed invalid. Only students from your college may sign the petition, and no student shall sign more petitions than there are seats to be voted for. Campaigning will officially begin Monday, October 20th, at 8:00 A.M. Elections begin Monday, November 3rd, at 8:00 A.M., and will continue 24 hours a day at all computer labs through Friday, November 7th, at 5:00 P.M. **Violation Forms are due Monday, November 10th, by NO LATER than 5:00p.m in the ASNMSU office. Financial Disclosure Forms are also due Monday, November 10th, by NO LATER than 5:00 P.M. in the ASNMSU office.**

If you have any questions, feel free to contact me at 646-4415. You can e-mail me at bradleyc@nmsu.edu, or stop by the ASNMSU office.

Good luck in the election,

Clay Bradley
ASNMSU Chief Elections Officer

Senate Positions Available-Fall 2008

The following Senate seats are available:

Agriculture and Home Economics	1
Arts and Sciences	4
Business Administration and Economics	2
Education	2
Engineering	1
Graduate	3
Health and Social Services	2

Things To Remember

- All positions are elected to a one year term.
- If there are more candidates for senate seats than there are seats available, the person(s) with the highest number of votes wins the seat(s) available (Elections Code 2-5-6-G).
- Those elected **will be required** to attend a swearing in ceremony at the last ASNMSU Senate Meeting of the semester on December 4th, at 6:00 P.M., in the Senate Chambers, on the third floor of the Corbett Center Student Union. Those attending should be dressed in formal business attire.
- The ASNMSU Lawbook sets forth the governing practices and procedures for how ASNMSU operates. In particular, please take time to read through the Elections Code and Constitution, as they are the basis for the elections. Violations of the ASNMSU Lawbook will be taken very seriously, and the appropriate penalties will be imposed by the Elections Board.

Important Dates To Remember

10/17 All Candidates must attend a mandatory meeting at 5:00 P.M. in the New Mexico Room (3rd floor of Corbett Center).

Candidate photos will be taken at the meeting. Candidate Petitions, Biographies, and Qualification paperwork are due at this meeting. No late submissions will be accepted for any reason.

10/20 Official Candidates listed on ASNMSU door at 8:00 A.M.

10/20 Campaigning Begins at 8:00 A.M. All campaigning prior to this time will be in violation of the NMSU Election Code, resulting in candidate disqualification.

11/3 Election/Voting Begins at 8:00 A.M.

11/7 Election/Voting Ends at 5:00 P.M.

11/7 Unofficial Results posted on glass outside ASNMSU Office by 11:00 P.M.
Pending Review

11/10 Violation forms are due by 5:00 P.M. in the ASNMSU office.

11/10 Financial Disclosure forms are due by 5:00 P.M. in the ASNMSU office.

11/12 If needed, Runoff elections will begin at 8:00 A.M.

11/13 If needed, Runoff elections will end at 5:00 P.M.

12/4 All elected candidates must attend the ASNMSU Senate meeting at 6:00 P.M., in the Senate Chambers, to be sworn in. You must dress in formal business attire.

Biography Instructions

- According to the ASNMSU Elections Code Section 2-6-4-A on of the benefits of candidacy is: “A photograph and written statement printed in the student newspaper prior to the general election at the expense of the Election Board, if the candidate so desires. Such a written statement shall not exceed two hundred (200) words. The Chief Elections Officer shall be responsible for arranging a photo session and collecting written statements.”
- Please note the following guidelines:
 - Candidate Photograph will be taken at the time of your candidate meeting: October 17th, at 5:00 P.M. in the ASNMSU Office.
 - There will be no make-up times for this. You must have your picture taken at this time. No self-submissions will be accepted.
 - Biographies must be in hard copy and on a CD or Jump-Drive; typed, double spaced, in New Times Roman, font size 12.
 - The *Round Up* and the Chief Elections Officer may, at their discretion, cut down / edit candidate biographies, and request a new biography to fit the format required.
 - The Chief Elections Officer reserves the right to reject inappropriate or offensive biographies, and request a new biography from the candidate.

FREEDOM OF EXPRESSION POLICY

New Mexico State University recognizes and promotes an intellectually open campus. The free exchange of ideas through written, spoken, and other forms of expression reflects its public land-grant heritage, support of diverse points of view, and commitment to excellence in education and research.

A. Campus Use for Free Expression

Any outdoor area that is generally accessible to the public may be used by any individual or group for petitioning, distributing written material, handing out newspapers, or conducting speech acts. Prior approval is not necessary as long as the primary action is not to advertise or sell a commercial product. Activities must follow all applicable fire codes, local, state, and federal laws. Activities shall not:

- Unreasonably obstruct vehicular or pedestrian traffic.
- Block the entrances or exits to buildings and facilities.
- Permanently occupy land areas or permanently locate signs and posters.
- Erect permanent structures, shelters or camps.
- Unreasonably interfere with classes, university work, and scheduled events.

In exercising the right of free expression, one must also accept the responsibility of following the laws related to the safety of people and property. If property damage or excessive littering occurs, or other unusual expenses are incurred by the university as a result of the event, event organizers may be held responsible for reasonable charges if deemed appropriate by the President or his/her designee.

Petitioning and the Distribution and Posting of Literature and Signs

- a. All literature distributed must contain identifying information either (1) the name of an NMSU sanctioned organization, or (2) the name and address (which may be an organization and e-mail address) of the unaffiliated entity or person or the telephone number of the unaffiliated entity or person for someone to contact in case of litter problems.
 - b. Literature may be distributed hand-to-hand, through the use of tables, or by posting on designated bulletin boards and kiosks.
 - c. Written materials may not be placed in non-approved locations. Written materials may not be placed on any part of a university building or structure without university permission. Posting on traffic signs, power poles, trees, and automobile windshields is not allowed.

- d. Tables are allowed as long as they do not unreasonably interfere with pedestrian traffic. Materials may not be left on unattended tables. While scheduling of tables is not required in advance, those individuals who have previously scheduled a site through the Campus Activities Office or other appropriate university offices will take precedence.

Group Speech Activities

Group speech activities, including rallies, parades and demonstrations, that are advertised through public media including newspapers, radio, television, flyers, or electronic lists may need to be coordinated through the NMSU Police Department (as described in 2b).

- a. Any individual, group, or organization sponsoring a group speech activity that is expected to draw more than 100 persons at one time and uses public media for advertising must notify the NMSU Police Department no less than 72 hours in advance of the activity, so that the NMSU Police Department can take appropriate actions to ensure the safety of the event and issue a permit as proof of prior notification. Activities expected to draw 500 or more participants, or require road closures or detours, must be scheduled two weeks in advance.
- b. Any individual, group, or organization planning a group speech activity is encouraged to contact the Campus Activities Office in advance so that activities may be coordinated with appropriate university offices. This will allow for locations to be reserved or other concerns to be addressed, such as the use of sound amplification equipment. Contacting the Campus Activities Office is voluntary and does not constitute an approval process.
 1. All scheduling is done on a "first come, first serve" basis.
 2. Activities that are scheduled receive priority in the use of space on campus.

Electronic Sound Amplification

The use of electronic sound amplification equipment is authorized in the open lots to the East of the Pan American Center and Aggie Memorial Stadium, the Corbett Center Outdoor Stage, and the "Aggie Pond" area off Espina Street, from 7:00 a.m. to 7:00 p.m. Sunday through Thursday, and from 7:00 a.m. to midnight on Friday and Saturday.

- a. Sound amplification equipment may be allowed at other times and in other locations if coordinated in advance through the Campus Activities Office.

Use of Chalk

Chalk may be used on campus as long as it is restricted to concrete walkways.

- a. All chalk used must be of a temporary or removable nature. Permanent chalk, such as surveyor's chalk, may not be used under any circumstances.

Policy Enforcement

Any person violating this policy will be subject to:

- 1. Being asked to cease and desist or to relocate by appropriate university employees acting within the scope of their duties.
- 2. Being ordered to leave the premises or property owned or controlled by the university by the police or a person in charge of the property.
- 3. Institutional disciplinary proceedings under the Student Code of Conduct if violation by a student. Violations by faculty or staff will be referred to the appropriate department or academic unit.
- 4. Arrest for violation of local, state, and federal law(s).
- 5. Restriction of future use of, or access to, the NMSU campus.

B. Reference to Other Policies Impacting Freedom of Expression

In the event that the terms of this policy conflict with other existing policies impacting freedom of expression in areas generally accessible to the public, the terms of this policy shall prevail.

**ASNMSU ELECTION CAMPAIGN INFORMATION FOR
CCSU SPRING 2008**

GENERAL:

These guidelines are intended to allow more opportunity for candidates to post materials in Corbett Center. Please note all other ASNMSU and University Polices regarding elections apply.

The University guideline concerning printed material reads as follows: "Printed material may only be posted on bulletin boards or at locations specifically designed for such use. Material shall not be attached in any way to walls, glass, doors, floor, or any other part of

a University building or structure, traffic sign, power pole, sidewalk or tree.” (from page 2, sec. 2 of the University Sales and Solicitation Policies.) Additionally, the use of chalk on bench tops is strictly prohibited.

MEETING ROOMS

During the campaign, rooms in CCSU are to be reserved for meetings only, not for display. Interpretation shall be solely the judgment of Campus Activities.

ROOM AND TABLE RESERVATIONS:

Any candidate may reserve a room for a meeting and/or a display table in Corbett Center by completing the following:

1. The candidate must appear on the “Official Candidate List,” provided to Campus Activities by the Chief Elections Officer. By-laws are not needed; you simply list your committee and your Faculty-Staff Advisor. You do not need 10 members. As soon as Jeanine Jameson in the office of Campus Activities verifies you, you are in business. You may now reserve a room.
2. To reserve a table, complete an “Activity Approval” form listing all the dates and times you want and turn it in to the Campus Activities Office; the secretary will then give you forms to get approval at the Conference Services Office. You will find your table in place with your name on it when you arrive to set up your display (Make sure you find YOUR table). You may include in your request, one (1) six-foot (6’) table, up to three (3) chairs, and one (1) easel. Table use is governed by the following guideline:
 - A. Someone must be at the table at all times requested.
 - B. Table attendant(s) cannot go past the front of the table to hand out campaign materials.
 - C. Tables are not to be moved, and trading tables is not permitted.
 - D. Table attendant(s) shall conduct themselves in a manner that will not infringe on the rights of the individual with overzealous techniques and confrontation, and will not create excessive noise or disturbance.

POSTERS / FLYERS

The following are the areas you may post your poster material:

LEVEL I

1. Bulletin board area across from the Taos entrance.
2. Bulletin board area by Aggie Underground.
3. **DO NOT** use “For Sale” boards or Ride Boards.

LEVEL II

1. East wall of West stairwell (next to Corbett Rotunda) to ground floor.
2. Bulletin board area outside Pete's Place.
3. Column inside the Pete's Place: North and West sides ONLY.

LEVEL III

1. **ABSOLUTELY NO LOCATION!!!**

BANNERS:

The Chief Elections Officer will reserve banner space in Corbett Center for interested candidates. . The following rules apply to posters and banners: You must check with the C.E.O., not with the office of Campus Activities or Conference Services, about reserving this particular space

1. Posters may not exceed 17'' x 22''.
2. One per site.
3. Use **MASKING TAPE ONLY** on hard surfaces and painted walls.

Banners must be TIED to the railings of stairwell, and must meet the approval of the C.E.O. The use of tack's is encouraged in the Game Room.

CONSTITUTION OF THE ASSOCIATED STUDENTS OF NEW MEXICO STATE UNIVERSITY

PREAMBLE

The formulations of University policy are based upon the principle of appropriately shared responsibility and joint effort involving the administration, faculty and students.

Shared responsibility in the formulation of policies affecting the University community requires that students have preponderance of responsibility for regulating their own affairs and a significant voice in shaping policy at all levels of the University. In accordance with these principles and in order to facilitate the expression of student opinion, to provide student activities and to establish and maintain a representative and orderly system of self-governance which shall be both the servant and agent of the student community, the students of New Mexico State University do ordain and establish, under the general procedures and regulations of the organizations and activities of New Mexico State University, this Constitution of the Associated Students of New Mexico State University.

1-1. NAME

The name of this student association shall be "The Associated Students of New Mexico State University," here after referred to as the "ASNMSU."

1-2. MEMBERSHIP STRUCTURE AND LIMITATION OF POWER

1-2-1. MEMBERSHIP

All students of NMSU who have paid the ASNMSU supporting fees shall be members of the ASNMSU.

1-2-2. GOVERNMENTAL STRUCTURE

The governing structure of the ASNMSU shall consist of three branches: the legislative, the executive and the judicial.

1-2-3. LIMITATION OF POWER

The ASNMSU shall not have the power to enact any law or adopt any policy which infringes upon the right of any policy-determining body of NMSU to perform their duties and responsibilities.

1-3. LEGISLATIVE

1-3-1. LEGISLATIVE POWER VESTED

All legislative powers granted in this constitution shall be vested in the Senate of the ASNMSU, hereafter referred to as the "Senate."

1-3-2. SENATE MEMBERSHIP QUALIFICATIONS AND OFFICERS

The Senate shall be composed of thirty Senators elected by the ASNMSU members of the several undergraduate colleges, the graduate school and the division of continuing education, hereafter referred to collectively as the "colleges." Senators shall be elected for a term of one year and shall take office at the last Senate meeting of the semester of their election. No person shall be a Senator who is not, when elected and while in office, a member of the ASNMSU not suffering disability by academic or disciplinary probation and a member of the college by which he is elected. No Senator shall hold an additional elected office or appointed position of the ASNMSU except as may be provided by law.

The thirty members of the Senate shall be apportioned among the several colleges in direct proportion to their respective enrollments as determined by the current official fall semester enrollment figures from the NMSU registrar; but each college shall have at least one Senator. When a vacancy occurs in the Senate, the college council of the college of the vacated position may select an interim Senator to serve the remainder of the unexpired term. The Vice President of the ASNMSU shall be President of the Senate, but shall have no vote unless the Senate be equally divided. The Senate shall choose its other officers and also a President Pro Tempore who shall serve in the absence of the Vice President or when the Vice President shall exercise the office of President of the ASNMSU.

1-3-3. POWERS AND DUTIES

The Senate shall have the authority to pass all legislation necessary and consequent to any provision of this constitution. No money shall be drawn from the treasury except as a consequence of appropriations made by law. The Senate may assess the membership of the ASNMSU, upon their consent, such fees as may be necessary to support the ASNMSU. The Senate shall have the sole power to initiate impeachment proceedings against any individual holding a position of trust and confidence under the ASNMSU on allegation of nonfeasance or misfeasance by a three-quarters vote of those present and voting. The Senate shall have the sole power to try any member of the judiciary in matters of alleged nonfeasance, misfeasance, or malfeasance and if guilty be found by three-quarters vote of those present and voting, to remove such a person from office. The times, places and manner of holding elections for Senators and Executive Officers shall be prescribed by the Senate. The Senate shall be the judge of the elections, returns and qualifications of all ASNMSU elected officials.

1-3-4. ENACTMENT OF VETO OF BILLS

Every bill having passed the Senate shall be presented to the ASNMSU President before being enacted into law. If the President approves, the bill shall be enacted by the President's signature. If the President does not approve, the President shall return the bill together with a written message of objections to the Senate. The Senate may then reconsider the bill; should two-thirds of the Senators present vote in the affirmative upon the bill, it shall be enacted into law. Should the President fail to return a bill to the Senate within two weeks after it shall have been presented, the bill shall be enacted into law as though the President had signed it, provided the Senate, by its adjournment, shall not have prevented its return. All bills shall be transmitted to the office of the President of NMSU and the office of the Vice President of Student Affairs of NMSU within forty-eight hours of enactment into law. The President of NMSU or designee shall have the power to nullify the annual general appropriations bill within two weeks after it shall have been presented to him.

1-3-5. MEETINGS AND RULES OF PROCEEDINGS

The Senate shall convene no less than once every two weeks during the fall and spring semesters. A regular meeting may be omitted by two-thirds vote of the Senate. A majority of the membership shall constitute a quorum to transact business, but a smaller number may adjourn and may compel upon peril of censure the attendance of absent

members. The Senate shall keep a journal of the proceedings of all meetings in which shall be entered the affirmative and negative votes upon any document or matter of record. The Senate may determine the rules of its proceedings. All meetings of the Senate, whether the body be sitting in whole or in part, shall be open to the public. All persons in attendance shall be subject to the rules of the Senate.

1-4. EXECUTIVE

1-4-1. EXECUTIVE POWER AND ELECTION

The executive power shall be vested in a President of the ASNMSU who shall effect the execution of all laws and policies of the ASNMSU not specifically required of the other branches. A President and a Vice President shall be elected by a majority vote of those ASNMSU members casting ballots in an election to be conducted for that purpose during the spring semester of each academic year. No person shall be a candidate for executive office who has not been a member of the ASNMSU for the spring and fall semester of the academic year prior to candidacy. No person suffering academic or disciplinary probation or who is not a member of the ASNMSU shall hold an executive office. Each elected executive officer shall serve a term of one year commencing at the last regular Senate meeting of the spring semester and terminating with the installation of the successor.

1-4-2. ORDER OF SUCCESSION

In such event the President shall resign from his office, shall be removed from his office or in some other manner be rendered unable to fulfill the duties and discharge the powers of office, all powers, authorities, responsibilities and duties of the office of the President shall devolve upon the Vice President. In the event that such disability be removed, all powers, authorities, responsibilities and duties of the office of President shall revert to the President upon his declaration of fitness to serve. The Senate may by law provide for the order of devolution of executive responsibility in the event that both the President and Vice-President suffer disability or in some manner become incapacitated.

1-4-3. INFORMATION TO BE PROVIDED THE SENATE

The President shall from time to time give to the Senate information of the state of the ASNMSU and recommend to their consideration such measures as he shall judge necessary and expedient.

1-4-4. APPOINTIVE POWERS

The President shall nominate and with the consent of the Senate, shall appoint members of the ASNMSU to fill executive offices which may be established by law. The Senate may by law invest the President with the power to make specified appointments at his sole discretion. The President shall have the authority to appoint such executive assistants as deemed necessary.

1-5. JUDICIAL

1-5-1. SUPREME AND INFERIOR COURTS

The judicial power of the ASNMSU shall be vested in the ASNMSU Supreme Court and in such inferior courts as the Senate may from time to time ordain and establish. The Supreme Court shall be composed of five judges appointed by the President and with the consent of the Senate. All judges shall be members of the ASNMSU and no person shall be nominated or appointed a justice of the ASNMSU Supreme Court who has not been a member of the ASNMSU for the spring or fall semester prior to his appointment. The terms of three Supreme Court judges shall commence at noon of the final day of each spring semester of even numbered years. The terms of all Supreme Court judges shall terminate at 11:59 a.m. of the final day of the spring semester two years after commencement of their term. When a vacancy occurs in a Supreme Court position, the President, with the consent of the Senate shall appoint a qualified member of the ASNMSU to fill the remainder of the unexpired term. A majority of the judges shall constitute a quorum to render a decision.

1-5-2. JUDICIAL POWER

The judicial power shall extend to all cases, in law and equity, arising under this constitution, statutory enactments, legislative resolutions or executive order of the ASNMSU. Both the Supreme and inferior courts shall have the power to render decisions in matters of binding arbitration when both parties to such a dispute so request and submit to the jurisdiction over any case originally adjudicated by any inferior court. The Supreme Court shall have the sole power to try impeachments of legislative and executive officers. This power shall extend no further than the judgment of removal from office.

1-6. AMENDMENTS

Amendments to this constitution shall be passed by a vote of two-thirds of the Senate membership, approved by a majority of those ASNMSU members voting for that purpose and approved by the President of NMSU or his designee before such amendments shall become effective. The ASNMSU Constitution was approved by the Sixteenth Senate on January 31, 1973; approved by membership of the ASNMSU on February 7, 1973; and adopted by the ASNMSU. On February 14, 1973; an amendment to Article V was approved by the Seventeenth Senate on March 6, 1974; approved by the membership of the ASNMSU on April 3, 1974; and approved by the NMSU President Gerald Thomas on April 29, 1974.

An amendment to Article I was passed by the Thirty-Eighth Senate on March 30, 1995. It was approved by the membership of the ASNMSU of April 20, 1995, and approved by the NMSU Interim President William Conroy on May 10, 1995.

2. ELECTION CODE

2-1 ASNMSU ELECTIONS ACT

AN ACT RELATING TO THE ASNMSU ELECTIONS; ENACTING AN ELECTION CODE; AND PRESCRIBING THE MANNER IN WHICH ELECTIONS SHALL BE CONDUCTED.

2-1-1. SHORT TITLE

This act shall be known as the "Election Code."

2-1-2. PURPOSE OF ELECTION CODE

The purpose of the Election Code is to secure the secrecy of the ballot, the purity of elections and to guard against the abuse of the elective franchise. It is also the purpose of the Election Code to provide for efficient administration and conduct of elections.

2-1-3. DEFINITIONS

As used in the Election Code, the following are defined:

- A. "Voter" means any student of NMSU who has paid the ASNMSU activity fee and is present at the polls to vote in an ASNMSU Election;
- B. "General elections" are the elections held in the spring or fall semester of each academic year for the purpose of electing ASNMSU senators and executive officers;
- C. "Internet Voting" is the process by which members of ASNMSU may cast their ballot in any General Election, Run-off Election, Constitutional referendum, special referendum, or any other time voting is necessary by ASNMSU.
- D. "Internet Voting Instructions" are the written instructions informing the Voter of the proper manner in which to vote using their PIN.
- E. "Run-off elections" are any elections following a general election or following a run-off election for the purpose of obtaining the legally required votes to fill an ASNMSU elected office or to pass judgment on any referendum;
- F. "Constitutional referendum" means a vote taken of the members of the ASNMSU concerning a proposed ASNMSU constitutional amendment;"Special referendum" means any vote taken of the ASNMSU concerning any question relating to the levying of ASNMSU supporting fees or any other questions;
- G. "Election official" means the individual members of the ASNMSU Election Board, the Chief Elections' Officer, and the Deputy Elections' Officer, poll workers, poll watchers and counters;
- H. "Counter" means any person appointed by the elections board to count paper ballots, as well as representatives from the Dona Ana County Clerks office that provides the voting machines to be used in the general elections;

- I. "Official candidate" means any member of the ASNMSU who has met the requirements for candidacy as prescribed by the Election Code and has been certified by the Election Board;
- J. "Write-in candidate" means any member of the ASNMSU who is not an official candidate and either seeks an ASNMSU elected position or receives any write-in vote, which includes that persons full name, in an ASNMSU election;
- K. "Polling place" means any area designated for use in an ASNMSU election by the ASNMSU Election board;
- L. "Contestant" means any ASNMSU member who files a written notice of the contest of an ASNMSU election; that is within the mandates of the election code;
- M. "Contestee" means one against whom a written notice of the contest of an ASNMSU election has been filed.
- N. "Wireless-capable devices" are any devices, electronic or other, that have the capability of connecting to a network of computers or the Internet or Internet2, via standards set forth by a leading standards committee, like the IEEE, for communicating data, allowing for the access to other devices, wired or wireless, and in this sense, the ability to be used by the general student population for voting in the ASNMSU elections.
- O. "Wireless-capable area" is any area that a wireless connection is available to any wireless-capable device through standards set forth by a leading standards committee, like the IEEE, for the use of communicating data, allowing access to other devices, wired or wireless, and in this sense, the ability to be used by the general student population for voting in the ASNMSU elections.
- P. "Temporary Internet Voting site" is any site that is set up for a limited time for the general student population to use for voting in the ASNMSU elections.

2-2. ELECTION BOARD AND OFFICIALS

2-2-1. ELECTION BOARD CREATION

An ASNMSU Election Board shall be composed of the Chief Elections Officer, the Deputy Elections Officer and the Vice President of each College Council. The Chief Elections Officer shall serve as Chair of the Board, and shall not vote except in the event of a tie.

2-2-2. ADDITIONAL MEMBERS

The ASNMSU Attorney General shall be an ex-officio member of the Election Board. In the event that the ASNMSU Attorney General cannot serve, the ASNMSU Assistant Attorney General shall be an ex-officio member of the Election Board.

2-2-3. QUORUM REQUIRED FOR MEETINGS

A quorum shall consist of a simple majority of voting members.

2-2-4. QUALIFICATIONS OF MEMBERS

In order to serve as a member of the ASNMSU Election Board, a person shall:

- A. Be a member of the ASNMSU;
- B. Not be an official candidate for any ASNMSU elected office;
- C. Not be related by blood or marriage within the first degree to any candidate for any ASNMSU elected office;
- D. Not be a justice for any ASNMSU court;
- E. Maintain ethical conduct throughout the entire election process;
- F. If at any time a member of the election board is no longer qualified to serve on the board, and that seat becomes vacant it is up to that persons College Council to fill that vacant seat as soon as possible with a qualified person from that College Council;
- G. If at any time any of the Vice Presidents of the College Councils is unable to or unwilling to discharge their duties on the Election Board, the Vice President shall notify the President of their College Council. The President shall inform the Chief Elections Officer and appoint a sufficient replacement from their college council consistent with the qualifications enumerated in Section 2-2-4.
- H. In the event that a College Council does not exist the Chief Elections Officer shall, in writing, request the Dean of the College to appoint an appropriate student leader that meets all other qualifications.
- I. No member shall be a currently serving member of the ASNMSU Executive Staff or the ASNMSU Senate.

2-2-5. POWERS AND DUTIES

The ASNMSU Election Board shall:

- A. Obtain and maintain uniformity in the application, operation and reasonable interpretation of the Election Code, including interpreting the Election Code as necessary prior to an ASNMSU election;
- B. Designate polling places as prescribed in the ASNMSU Election Code;
- C. Assist the Chief Elections Officer in the administration of the Election Code;
- D. Act as immediate judge for all contests;
- E. Retain its powers and responsibilities until after the final resolution of all contests;
- F. Meet at least once, three weeks prior to the general election and formally approve polling places, as outlined in Section 2-4-3-A or 2-4-3-E of the ASNMSU Law Book, and approve all referendums or other questions, and at least ten days before the general election to certify official candidates for ASNMSU office;
- G. Create a violation form for use in documenting alleged violations of the election code.
- H. Attend all Election Board meetings set by the Chief Elections Officer. Failure to attend set meetings will result in a fine of five percent (5%) of the current Fiscal year's GAA Council Appropriation to be levied on that Election Board member's College Council. This fine will increase by an additional five percent (5%) with each additional meeting missed (e.g. One meeting missed is a fine of 5% of that fiscal year's GAA appropriation, the second meeting missed will result in a total fine of 10% of that fiscal year's GAA

appropriation, and the third missed meeting results in a total fine of 15% of that fiscal year's GAA appropriation). This fine will be levied by the Comptroller of ASNMSU who will extract the amount from the College Council's account and deposit it into the ASNMSU Club Endowment Account. Once monies are extracted the Chief Elections Officer must be notified by the comptroller of ASNMSU who shall in turn notify the college council in writing. If they feel the need to do so, Councils may seek a redress of their grievances before the ASNMSU Supreme Court who will adjudicate all disputes arising under this act.

- I. Not miss more than two official Elections Board Meetings in one semester, excluding appropriate excuses. In the event that more than two official Elections Board Meetings are missed the college council shall, in writing, be asked to send another member of the council to fulfill this obligation.

2-2-6. REMOVAL FROM ELECTION BOARD

- A. No member of the election board shall be removed, unless there is a three-quarters majority vote of the election board present. Reasons for removal shall be concurrent with the qualifications of members of the election board, as set forth in the Election Code.
- B. The decision of the election board is final. There is no avenue for appeal.
- C. If a member of the election board is removed, it is the responsibility of that official's College Council to find a qualified member of the council to replace that official after being notified in writing of a vacancy by the Election Board.

2-2-7. OFFICE OF CHIEF ELECTIONS OFFICER-APPOINTMENT QUALIFICATION FOR REMOVAL FROM OFFICE-PROVISIONS FOR CHIEF ELECTIONS OFFICER IF NONE IS APPOINTED WITH CONSENT- SALARY

- A. A two semester office to be known as the "Office of Chief Elections Officer" is created within ASNMSU. The ASNMSU President, with the consent of the ASNMSU Senate, shall appoint a member of the ASNMSU to the position of Chief Elections Officer.
- B. The Chief Elections Officer shall receive a salary not to exceed the current minimum wage for sixty (60) hours per month while performing the duties of Chief Elections Officer.
 1. This salary shall be dispersed starting eight (8) months prior to the last day of the academic school year, as outlined by the academic calendar in the AP&P Manual.
- C. The Chief Elections Officer shall manage with the Election Board's consent the budget for elections as designated by the previous year's General Appropriations Act.
- D. The Chief Elections Officer shall not:
 1. Violate any qualification for the Election Board membership;
 2. Be an elected or appointed member of the Executive Branch.
- E. The Chief Elections Officer shall serve a term commencing at noon of the first day of each Fall semester and terminating at 11:59 a.m. of the final day of the succeeding spring semester.
- F. The Chief Elections Officer shall not be removed from office unless impeached by a three-quarters majority vote of the ASNMSU Senate present, and shall not serve as a

subordinate to any member of the Executive Branch of the ASNMSU, acting independently of any ASNMSU official.

- G. When a vacancy occurs in the office of the Chief Elections Officer, the ASNMSU President, with the consent of the senate, shall appoint a qualified member of the ASNMSU to fill the office for the remainder of the unexpired term.
- H. If the ASNMSU President is unable to fill the office of the Chief Elections Officer, the Deputy Elections Officer shall assume the responsibility and position of the office of Chief Elections Officer.

2-2-8. DUTIES OF THE CHIEF ELECTIONS OFFICER

The Chief Elections Officer shall:

- A. Obtain and maintain reasonable, uniformity in the application, operation and interpretation of the Election Code;
- B. Generally supervise all ASNMSU elections;
- C. Verify that all official candidates for the ASNMSU offices are qualified to accept and run for the office for which they are official candidates at the time of the election;
- D. Meet with the Senate of ASNMSU during a scheduled meeting of the Senate to provide reports on upcoming events, scheduled events, job progress, and current budget at the discretion of the ASNMSU President. If the Chief Elections Officer cannot attend, the Chief Elections Officer can send the Deputy Elections Officer to provide the report.
- E. Prepare instructions for the CEO successor and election officials in accordance with the ASNMSU law;
- F. Advise the election officials as to the proper methods of performing their duties as prescribed by the Election Code;
- G. Cause to be investigated the administration or violation of the Election Code and report violations immediately to the ASNMSU Election Board;
- H. Publish and distribute to the election polls, to all official candidates and any to other ASNMSU member who requests one, a sufficient number of copies of the Election Code as is needed including any amendments;
- I. Prepare and furnish to each poll sufficient ballots, forms, records or other equipment deemed necessary by the CEO for the administration and operation of such polls, including suitable instructions concerning their use;
- J. Prepare and furnish instructions to explain clearly how voters may cast their ballots;
- K. Call required candidates meetings as needed, giving notice of its time and place in the student newspaper if possible;
- L. Approve a representative of an official candidate prior to a required candidates meeting, if the candidate is unable to attend a meeting;
- M. Automatically refer an official candidate to the Election Board for further review for failure of the candidate or an approved representative of the candidate to attend a

required candidates meeting, if the candidate had at least twenty-four hours notice of the meeting;

- N. Check each poll worker during each election to insure that the individuals working the polls are the individuals hired as poll workers.
- O. Where appropriate consult with the Attorney General regarding the legal interpretation of the Election Code.
- P. Take requests from candidates and other parties as to the setting up of additional and/or temporary Internet voting sites and render decisions as to the necessity of those sites.
- Q. Take requests from candidates and other parties as to the administering and use of wireless-capable devices in wireless-capable areas for Internet voting and the setting up of Internet voting sites in wireless-capable areas.
- R. Hire or approve an impartial body to administer additional and/or temporary Internet voting sites determined to be necessary by the Chief Elections' Officer.
- S. Hire or approve an impartial body to administer the use of wireless-capable devices in wireless-capable areas for use by the general student population for voting in the ASNMSU elections.
- T. Appoint, if desired, a Deputy Elections Officer and as many other volunteers, as the business of the office of ASNMSU Chief Elections Officer shall require. All such assistants and employees shall hold office at the pleasure of the ASNMSU Chief Elections Officer. The Deputy Elections Officer and volunteers shall, subject to the direction of the Chief Elections Officer, have equal power and authority as the ASNMSU Chief Elections Officer, but shall remain subordinate to the ASNMSU Chief Elections Officer.

2-2-9. DEPUTY ELECTIONS OFFICER

The Election Board shall choose from among its membership a Deputy Elections Officer.

2-2-10. DUTIES AND POWERS

The Deputy Elections Officer shall:

- A. Assist the Chief Elections Officer in the duties and responsibilities of the CEO's office;
- B. Review the Election Code and the ASNMSU law pertaining to elections during both the Fall and Spring election processes. The Deputy Elections Officer shall make recommendations after the results of each election are final to the Election Board and the Senate regarding needed changes or amendments to allow for the efficient conduct of elections. These recommendations shall be presented to both the Election Board and the Senate at the earliest possible regular meeting after the final election results.
- C. Be confirmed by the ASNMSU Senate as the Chief Elections Officer and take over the duties and responsibilities of Chief Elections Officer, when said person is no longer able to fulfill those duties.

2-2-11. SALARY

The Deputy Elections Officer shall receive no compensation for the position of Deputy Elections Officer.

2-2-12. POLL WORKERS

- A. With Internet Voting, there must be multiple copies of clearly marked voting instructions available in each NMSU computer lab open for the general use of the student population. It is the responsibility of the Chief Elections Officer to furnish the computer labs with the voter instructions. This will be done in place of poll workers.
- B. When paper ballots are used the Chief Elections Officer shall hire, with the Election Board's approval, poll workers for each poll.
 - 1. Each poll shall be administered and operated by at least two (2) poll workers.
 - 2. Poll workers shall serve for a term beginning with appointment and ending with the final announcement of the final results of the last run-off election held in connection with the general election for which they were appointed.
 - 3. Poll workers shall attend a meeting at which they shall be instructed on election procedures. This meeting shall be no earlier than one week prior to the election and no later than the day before the election.
 - 4. Poll workers shall have the same qualifications as the Election Board members, shall not be members of the ASNMSU Senate Special Committee on Elections, and shall receive an hourly wage as determined by applicable university and federal regulations and the Election board, unless acting in a volunteer capacity.
 - 5. Not less than one (1) month preceding the general election, the Chief Elections Officer shall cause to be published a notice in the student newspaper that poll workers are to be hired and specifying procedures for applying.
 - 6. If any poll worker fails to attend the appointed poll at the specified time, the Chief Elections Officer shall appoint a qualified person to fill the vacancy.
 - 7. At all times while performing their duties, poll workers shall wear identification badges, indicating that they are poll workers by stating "ASNMSU Poll Worker." The Chief Elections Officer shall furnish the badges.
 - 8. Prior to opening the polls, the poll workers shall set up the polls and make necessary arrangements for the conduct of the election. The poll workers shall remove all campaign posters and other campaign materials from the area designated by the Election Board as the polling place and count all ballots by college. When the polls are opened, the poll workers shall open the ballot box and display it empty to the voters in the polling place. The ballot box or boxes shall then be closed and locked and then keys shall be delivered to the Chief Elections Officer.

2-2-13. POLL WATCHERS

The Election Board shall appoint poll watchers to observe that the election is being conducted in accordance with the Election Code:

- A. With Internet Voting, a poll watcher will be appointed for each site designated as an official polling place.
- B. When paper ballots are used, the Election Board shall appoint poll watchers to observe that the election is being conducted in accordance with the Election Code:
 - 1. Each poll shall be administered and operated by at least one (1) poll watcher;
 - 2. Poll watchers shall have the same qualifications as the Election Board members;
- C. All Election Board members shall be poll watchers. In addition, each college council shall appoint one of their members as a poll watcher;
- D. If any poll watcher fails to attend the appointed poll at the specified time, the Chief Elections Officer shall appoint a qualified person to fill the vacancy;
- E. Poll watchers shall perform the same duties as poll workers;
- F. Poll watchers shall submit in writing to the Chief Elections Officer any action or omission committed in violation of the Election Code, using the violation forms created by the Election Board for that purpose;
- G. At all times while performing their duties, poll watchers shall wear identification badges, indicating "ASNMSU Poll Watcher." The Chief Elections Officer shall furnish the badges.

2-2-14. COUNTERS

The Chief Elections Officer shall appoint counters to assist in counting and tallying the ballots and certify the results of the election. Counters shall have the same qualifications as Election Board members, with the exception of those representatives from NMSU Computing and Networking who prepare the Internet Voting for the general elections.

2-3. PARTICIPATION IN THE ASNMSU ELECTION PROCESS

As verified by the Chief Elections Officer:

- A. A sitting ASNMSU Supreme Court Chief Justice or Associate Justice shall not run for ASNMSU office or campaign for any ASNMSU candidate.
- B. No ASNMSU member in an elected or appointed position shall seek via election a position within ASNMSU, other than their own, without first resigning or resolving in writing to resign their own position at the end of the election cycle in which they run. The ending of a term shall be considered an implicit resignation for the purpose of this section only.
 - 1. Officials running for an elected office different than their own must still resign or resolve to resign as per the above section, but may make their resignation contingent on the outcome of the election.

2-4. ELECTIONS COVERED BY THE ELECTION CODE-ELECTION AND POLL INFORMATION-POLL EQUIPMENT-BALLOTS

- A. General elections for both spring and fall shall be held on a date as set by the Chief Elections Officer at the beginning of each academic school year.
- B. Run-off elections shall be held one week after the election for which they are required. If the date for the run-off election is inappropriate, the Election Board shall set a new date, which must be as close to the original date as possible.
- C. Constitutional and special referendums and other questions shall be held if possible in conjunction with the general elections, unless otherwise provided for by law.

2-4-1. NOTICE OF ELECTION

- A. At least four (4) calendar weeks prior to the general elections, the Chief Elections Officer in conjunction with the ASNMSU Election Board shall give notice of the election of the offices to be filled and the requirement for any offices at stake.
- B. At least two (2) weeks prior to the general election, the Chief Elections Officer in conjunction with the ASNMSU Election Board shall give notice of the election, the offices or questions to be voted for, the requirements for any offices at stake, the Internet Voting Instructions, the place for each poll, and the times and days that each poll shall be open to the student newspaper and the student radio station. The same information shall be released regarding any run-off elections within twenty-four (24) hours after the run-off election is determined to be necessary.
- C. Elections should commence no less than five (5) weeks before the last day of school.

2-4-2. NOTICE OF CONSTITUTIONAL OR SPECIAL REFERENDUMS AND OTHER QUESTIONS

The Election Board shall publish in the student newspaper, the full text of any proposed amendments or questions at least thirty days prior to the election at which they are to be considered. Copies of the amendments or questions must be made available to any ASNMSU member who requests one. If the questions are not to be posed during a general election, notice of the special election must be made as if it were a general election according to the Election Code.

2-4-3. DESIGNATION OF POLLING PLACES

- A. With Internet Voting, all computer labs established for use by the general student population shall be considered polling places and fall under the jurisdiction of the Election Code.
- B. With Internet Voting, each computer lab with access by the general student population is considered a polling place. Thus, the entire lab is considered part of the polling place. It will not be necessary to mark the boundaries, since the boundaries are everything found within the lab itself. However, the Chief Elections' Officer must post a sign on the door of each lab stating, "This lab is an official Polling Place. No campaigning is allowed within the lab."
- C. With Internet voting, temporary voting locations are to be considered official polling places when an internet accessible device is set up and used as a public poll

accessible by the general student population and it will be necessary to mark the boundaries of the temporary location in order to prevent campaigning within the polling place. The exact boundaries of the polling places shall be a twenty (20) foot radius around the poll, with the exception of designated bulletin boards.

- D. With Internet voting, Wireless-internet capable areas, shall be designated official polling places in the event that computers are setup with access to the general student population for use in ASNMSU voting. Thus, marked boundaries will be required around the area and campaigning in these areas will be prohibited. The exact boundaries of the polling places shall be a twenty (20) foot radius around the poll, with exception of designated bulletin boards.
- E. When paper ballots are used, the Election Board shall designate no less than eight (8) locations on the NMSU campus as Polling places for general and special elections and at least one (1) location for absentee balloting prior to any election.
- F. When paper ballots are used, the Election Board shall clearly mark the boundaries of the designated polling place. The exact boundaries of the polling place shall be a twenty (20) foot radius around the poll, with the exception of designated bulletin boards.
- G. When paper ballots are used, the Election Board shall designate at least one (1) polling place for each college having a run-off election. No less than four (4) general polling places shall be designated for the Presidential and Vice Presidential run-off elections.
- H. When paper ballots are used, general election polling places must be approved at least ten (10) days before the general election by the Election Board.

2-4-4. OPENING AND CLOSING OF POLLS

- A. With Internet Voting, the Internet shall be open for voting continuously (twenty-four (24) hours per day) during at least three (3) days. The election should begin on a weekday and last a minimum of five (5) days. The last day of voting must end on a weekday. Internet Voting should be available for voting by 9:00 a.m. on the first day of the election cycle and close at 6:00 p.m. on the last day.
- B. When paper ballots are used, the polls shall be opened at 9:00 a.m. on the dates of elections and closed no earlier than 6:00 p.m. the same day.
- C. When paper ballots are used, absentee voting shall take place on two (2) regular working days preceding the election such that one (1) occurs on Monday, Wednesday or Friday and one occurs on Tuesday or Thursday. Absentee polls shall be open from 9:00 a.m. to 9:00 p.m. on both days.

2-4-5. EQUIPMENT FOR POLLS

- A. Internet Voting shall be used for casting of votes in both the fall and spring general elections and run-off elections.
- B. With Internet Voting, a computer lab established for students' use will be considered a polling place, and will be patrolled during the polling hours, in accordance with Section 2-2-13-A of the ASNMSU Law Book.

- C. Preparation for the Internet Voting is as follows:
1. The Chief Elections Officer will notify the Web Services Division of Computing and Networking the day after the candidates are declared to be official candidates, not less than two (2) weeks before the election begins.
 2. The Chief Elections Officer will be responsible for testing the Internet Voting at least two (2) days prior to the opening of elections.
 3. With Internet Voting, paper ballots will not be used for security reasons. Otherwise, students could not be prevented from participating in both Internet Voting and voting by paper ballot.
- D. In exigent circumstances, paper ballots may be used for any other election, run-off election or referendum if voting machines are not able to be attained.
- E. Paper ballots shall be of the following form, prepared under the direction of the Chief Elections Officer:
1. In the case of a run-off election there shall be a separate ballot for each college that is conducting a run-off election which shall have the name of each and all official candidates for whom an ASNMSU member of that college may vote, printed on it;
 2. No official candidates name shall appear more than once on the ballot;
 3. Across the top of all ballots used in general elections shall be the words "OFFICIAL ASNMSU GENERAL ELECTION BALLOT";
 4. Across the top of all ballots used in run-off elections shall be the words "OFFICIAL ASNMSU RUN-OFF ELECTION BALLOT";
 5. On the next line below the title shall be the date of the election;
 6. On the next line below the date shall be printed the words "to vote for a person, make an identifiable mark in the space at the left of the name of each person for whom you desire to vote";
 7. Thereafter there shall be printed consecutively the designated office and to the right of that on the same line shall be printed the words "Vote for," then the words "one," "two," or another spelled number designating how many candidates under that office are to be voted for;
 8. Following and below the designation of office there shall be the name of each candidate for that office, with a space directly opposite and to the left of the name wherein the voter may make an identifiable mark. The names of the candidates shall be printed on an equal margin, one under another and in order as randomly selected in accordance with the manners may be color coded or in some other manner differentiated according to college;
 9. There shall be a space for each office provided for entering the name of a write-in candidate. That space shall be clearly designated by the words "Write-In Candidate." No such space shall be provided for write-in candidates on run-off election ballots;

10. Paper ballots shall have no other printing or distinguishing mark except that ballots may be color coded or in some other manner differentiated according to college;
 11. Any official candidate nominated by or affiliated with a political party may have that party affiliation printed on the ballot under that official candidate's name;
 12. All ballots proposing constitutional amendments shall have printed thereon the full title of the resolution proposing an amendment to the ASNMSU constitution. Below the printed title shall be printed the constitutional amendment in full and below the printed amendment shall be printed the words "FOR THE AMENDMENT" and opposite the other blank shall be printed the words "AGAINST THE AMENDMENT";
 13. Other questions or referendums shall conform as nearly as is practical to the form required for ballots on proposed amendments to the ASNMSU constitution.
- F. An alphabetical index of all persons currently enrolled in NMSU shall be obtained prior to each election day by the Chief Elections Officer. One such index shall be provided for each poll.
- G. The Chief Elections Officer, in the case of paper ballot elections, shall provide the following supplies for each poll:
1. A table;
 2. Chairs;
 3. At least one voting machine or a ballot box with padlock;
 4. One index of all currently enrolled students;
 5. Sufficient ballots for each college;
 6. One poll book in which voters shall sign their names and colleges;
 7. Instructions to voters to be posted at the poll;
 8. A large sign stating "OFFICIAL ASNMSU POLL";
 9. Poll worker instructions;
 10. Copies of the Election Code;
 11. Copies of the violation form;
 12. Pens, ink, copies of any amendments or referendums, and any other supplies that may be deemed necessary.

2-5. ELECTION PROCEDURES

The following procedures shall be followed in the conduct of any ASNMSU Election.

2-5-1. POLL INFORMATION

A. The Chief Elections Officer shall be in charge of:

1. Providing the information to the Web Services Division of Computing and Networking for Internet Voting at least two (2) weeks prior to the beginning of voting;
 2. Setting up each poll when paper ballots are used;
 3. Shall appoint qualified persons to replace any absent poll workers when paper ballots are used.
- B. The Chief Elections Officer shall be in charge of closing each poll, allowing potential voters in the process of Internet Voting or already in line to vote at the time of closing, to cast their ballot.
1. With Internet Voting, the Chief Elections Officer will have computing and Networking close the polls by restricting access to the voting link after the poll is declared closed. Those voters in the process of voting will be allowed to complete the voting process, but further access to the link will be blocked.
 2. When using paper ballots, the Chief Elections Officer shall also prescribe the manner in which the poll materials shall be collected, including delivery of ballot boxes and other equipment, to a place of the CEO's choosing.

2-5-2. VOTING PROCEDURE

- A. With Internet Voting, the voter may log on to the ASNMSU Internet Voting site using a secure login method determined by Computing and Networking and may only vote one time for any election. This will allow only registered students who are members of ASNMSU to vote. If a student has difficulty logging on by using their PIN, they may notify Computing and Networking, come in to the ASNMSU office for assistance, or contact the Chief Elections Officer concerning the problem.
- B. When paper ballots are used:
1. Voting--a potential voter shall vote by presenting a current NMSU student identification card from the main campus to the poll workers. When a poll worker finds the name of the voter in the alphabetical index of voters within the voter's respective college, the poll worker shall mark the voter in the index as having voted and shall also mark the activity sticker of the voter in a consistent manner designated by the Chief Elections Officer, to indicate the voter as having voted. The voter shall sign the voter's name and college in the poll book. The poll worker shall then give the voter a single ballot or instruct the voter in the use of the voting machine. When the voter has placed the ballot, which shall have been folded so that the marks on its face are not displayed in the ballot box or has finished using the voting machine, the poll worker shall return the voter's identification card.
 2. Voter not on index--any voter whose name does not appear on the alphabetical index for the college in which the voter offers to vote must possess some written certification from the registrar or the dean of that college stating the voter's college. The voter shall also have a current NMSU student identification card with the current activity sticker intact and only then shall be permitted to vote.

The poll worker shall take possession of the written certification and shall indicate in the poll book that the name did not appear on the alphabetical index.

- C. Marking of ballot--the voter, in preparing a paper ballot shall, if the voter wishes, make an identifiable mark in the box immediately to the left of the name of every official candidate or question for which the voter desires to vote, or in the space provided for write-in candidates, write the first and last name of the person for whom the voter desires to vote. A paper ballot that has been marked so that it may be identified as to who the voter is, shall not be counted. A paper ballot that is ambiguous shall not be counted.
- D. Spoiled or defaced ballots--a voter who accidentally spoils or erroneously prepares the paper ballot may return the ballot to the poll workers and receive a new ballot.

2-5-3. UNAUTHORIZED RECEIPT OR DELIVERY OF PAPER BALLOTS

Unless otherwise provided by law, a voter shall not receive a paper ballot from any person other than a poll worker. No person other than a poll worker shall deliver a paper ballot to any voter.

2-5-4. UNUSED PAPER BALLOTS COUNTED BY POLL LOCATION

Immediately upon closing the polls, the poll workers shall count all unused ballots. The Chief Elections Officer or a designated election official shall verify the poll workers count of the unused and spoiled ballots when the ballots are presented to the CEO. All unused and spoiled ballots shall be destroyed.

2-5-5. ABSENTEE VOTING FOR PAPER BALLOTS

Any member of the ASNMSU who can not be present at the polls on election day, may vote by absentee ballot as if the member were able to cast a ballot in person on election day. Absentee polls shall follow the same procedure as the general election polls. Absentee ballots shall be made in the same form as the general election ballots except that the words "OFFICIAL ABSENTEE BALLOT" shall appear at the top of the ballot.

2-5-6. COUNTING THE VOTE-ELECTION RESULTS

- A. With Internet Voting, the voting results must be collected from the official Computing and Networking representative by at least three Elections Board representatives, including either the Chief Elections Officer or the Chief Elections Officer's appointed representative and two other members of the Elections Board within one (1) hour from the official close of the polls, this deadline may be extended in the case of technological problems beyond human control, or when three Election Board members are not present. In such cases, the deadline will be extended one (1) hour and the CEO will be responsible for finding a replacement, not involved in the election, for the absent Election Board members.
- B. Tallying paper ballots--only election officials shall handle ballots or take part in the counting and tallying. Only the following persons may be present:
 - 1. Election officials;
 - 2. One representative of each candidate, but not an actual candidate;

3. One representative of each student media.
- C. Tallying procedures for paper ballots--the Chief Elections Officer, assisted by the Election Officials, shall count all the ballots. No ballots shall be counted or tallied until all the polls are closed and the signature books, alphabetical listing of students and the number of votes cast at each poll are cross checked for validity. The Chief Elections Officer shall set forth in writing the total number of votes cast for each person, the total number of votes cast for and against each constitutional amendment, referendum or other question. Portions of the ballot not marked as required by the Election Code or marked in such a manner that the intention of the voter cannot be fairly ascertained, shall not be counted. For both Internet Voting and paper ballots, the Chief Elections Officer and not less than two Election Board members who were witnesses to the counting and tallying, shall sign a statement certifying the results of the election. The counting and tallying of ballots shall be in accordance with procedures prescribed by the Chief Elections Officer.
- D. Announcement of results--the Chief Elections Officer shall by proclamation announce the results of the election as follows:
1. With Internet Voting, the results of the elections shall be posted no later than eleven p.m. (11:00 p.m.) of the election day unless there is a problem which would make Internet services unavailable. In the event of this happening, the results of the election will be posted within two (2) hours of receipt of the results.
 2. When paper ballots are used the results of the elections shall be posted no later than nine a.m. (9 a.m.) on the day following the election.
 3. In the event of a contested result, the results will be posted upon completion of confirmation of tabulation of votes.
 4. Election results shall be posted in the following areas:
 - a. On the door of the Office of ASNMSU;
 - b. On all of the building entrances designated as polling places;
 - c. With Internet Voting, the Chief Elections Officer may choose to disregard section 2-5-6-D-4-b posting the results on the ASNMSU web page instead.
 5. A copy of the official results will be sent to the President and Vice President of ASNMSU.
 6. The Chief Elections Officer shall keep on file the original certification of results.
- E. Ballot storage--the Chief Elections Officer shall keep all ballots cast in the general election and run-off elections only in case of a contest and only until the contest is resolved.
- F. Run-off election-President/Vice President--if no person receives a majority of the votes cast in the general election for ASNMSU President and Vice President, the two persons for President and two persons for Vice President receiving the most votes shall be placed in a run-off election until one of the persons for the contested office receives a majority of the votes cast.

- G. Elections of Senators--the number of official or write-in candidates equaling the number of positions to be filled from their college, who receive the most votes shall be elected to fill those positions, provided that:
1. There is no tie between two or more candidates from a college so that there are more candidates receiving the most votes than the number of positions to be filled; that is to say that there is no tie for the last seat up for contention;
 2. If the requirements above are not met, then there shall be a run-off election consisting of those candidates who are tied for the last seat up for contention. The run-off election shall be for only those two candidates that are tied. Any seat that has already been attained by another candidate that received more votes, no matter the number, than those that are tied, shall be retained by the person that received those votes.

2-5-7 IMPROPRIETIES IN THE ELECTION

- A. Recount of vote--any official candidate or that candidate's representative may request a recount of the votes cast concerning that particular ASNMSU race, by filing a written notice with the Chief Elections Officer, within twenty-four (24) hours of the announcement of the results of that race. All recounts shall be conducted at the same time and shall be prescribed by the Chief Elections Officer.
- B. Contest of election--any ASNMSU member may contest the election of any official or write-in candidate, when they have a clear and just ground to contest that election. Any action to contest the election shall be commenced by filing a written notice of contest within twenty-four (24) hours of the announcement of the final results of the last run-off election. The notice of contest shall be filed with the ASNMSU Attorney General and the Chief Elections Officer. Copies of the notice of contest shall be immediately furnished to all concerned candidates and officials. The notice of contest shall specify the grounds upon which the claim of the contestant is based. The notice must contain the specific offense or offenses that allegedly took place. If the contestant claims that illegal votes have been cast or counted for the contestee, the contestant must specify the poll where such illegal votes were cast or counted and the facts showing illegality.
- C. Investigation and judgment--all issues of law and fact shall be investigated by the ASNMSU Office of the Attorney General in conjunction with the Election Board and the Chief Elections Officer. It shall be the duty of the Attorney General to hear such issues without delay as speedily as possible, report those findings and opinions to the Election Board. At this time, the Election Board shall render any necessary preliminary judgment. If in the judgment of the Election Board, such error or fraud has been committed which is of such extent to render it indeterminable as to the legal results of the election, the Election Board may order a new election.
1. The Election Board shall render their written decision within two (2) days following their meeting.
 2. The Chair of the Election Board shall verify that a copy of the written decision of the board is delivered by mail or hand to each party involved.

D. Appeal of contest--any decision of the Election Board may be appealed within twenty-four (24) hours, after the decision has been rendered, to the ASNMSU Senate Special Committee on Elections. The appeal shall be filed with the Senate Clerk. Should an appeal be submitted on a penalty of being excluded from an election or runoff election, the election and/or runoff elections should not commence until a decision on the appeal is rendered. A contestant or contestee shall have the right to retain qualified ASNMSU members as student counsel for representation before any ASNMSU decision-making bodies.

2-5-8. FINANCIAL DISCLOSURES

- A. All official candidates shall submit a statement of campaign expenditures to the Election Board no later than five p.m. (5 p.m.) the next business day following the official posting of election results. All expenses along with the donation of goods and services, must be declared in the statement. Expenses must be accompanied by receipts. Donations of goods and services must be accompanied by a letter from the donor showing fair market value of the donation. In the event no expenses are incurred, an expense report shall be submitted which will reflect no expenditure.
- B. Write-in candidates shall be informed in the most timely manner possible, by the Chief Elections Officer that they must turn in a statement of campaign expenditures. The write-in candidate shall then have twenty-four (24) hours after notification in which to comply with the requirements as in the section above, for the statement.
- C. Candidates who fail to submit their statement of campaign expenditures within the required time limit shall be disqualified at the discretion of the Election Board.
- D. Candidates declaring campaign expenditures and donations at less than a reasonable value shall be disqualified by the Election Board.
- E. Candidates shall have the right to a hearing with the Election Board prior to disqualification and shall have the right to appeal the disqualification to the ASNMSU Senate Special Committee on Elections.

2-6 CANDIDACY AND POSITIONS AVAILABLE

2-6-1 SENATORIAL POSITIONS AVAILABLE

A. Number of senators in each college =
$$\frac{\text{(ASNMSU College Enrollment)}}{\text{(Total ASNMSU University Enrollment)} \times 23} + 1$$

B. The thirty seats of the ASNMSU Senate shall be numbered as follows:

- 1. AG & HOME EC -- 1, 16, 17
- 2. A&S -- 2, 3, 4, 10, 18, 19, 20, 29
- 3. BA & ECON -- 5, 6, 21, 22
- 4. ED -- 7, 8, 23
- 5. ENG -- 9, 24, 25
- 6. GRAD -- 11, 12, 13, 26, 27, 28
- 7. HSS -- 14, 15, 30

- C. All seats numbered one through fifteen, inclusive, shall be elected in the fall semester and serve a term of one year. All seats numbered sixteen through thirty, inclusive, shall be elected in the spring semester and serve a term of one year.
- D. Seat changes shall be made based on the fall actual enrollment figures and shall be determined annually by the Attorney General. The Rules Committee shall be responsible for drafting and proposing legislation to make any needed changes.

2-6-2. REQUIREMENTS FOR OFFICIAL CANDIDACY

For a person's name to be printed on the ballot, no later than two calendar weeks prior to the general election, that person shall file in the ASNMSU office an affidavit petition (petition of candidacy) acknowledging candidacy for office. A person must be declared an official candidate by the Election Board.

- A. On the affidavit each person shall print or type their full name, address, telephone number, college and position for which they are a candidate and acknowledge their candidacy by signing the following statement:
 - I, (name of candidate), acknowledge my candidacy for the office of (title of office), and shall, if elected, accept the duties and responsibilities of the office. I am a member of the ASNMSU not suffering disability by academic or disciplinary probation and am qualified, as prescribed by the ASNMSU Constitution, to accept and run for the office for which I am a candidate.
- B. Individuals seeking the office of the ASNMSU President or Vice President shall submit an affidavit petition (petition of candidacy) signed by no less than one hundred members of the ASNMSU who wish to nominate the candidate. No member of the ASNMSU shall sign more than one petition of candidacy for the President or Vice President during any one academic year.
- C. Persons seeking the office of an ASNMSU Senator shall submit together with their affidavit petition (petition of candidacy) signed by no less than twenty-five ASNMSU members of the candidate's college who wish to nominate the candidate. No member of the ASNMSU shall sign more petitions of candidacy, than positions to be voted on for senator from that college at the general election.
- D. For a candidate's name to be placed on the official ballot, the candidate must attend at least one candidates briefing as called by the Chief Elections Officer, or be officially excused from the same.
- E. Any other elected positions as may exist within the ASNMSU shall follow the same pattern as the President and Vice President, with the exception that twenty-five signatures shall be required for any person seeking such an office.

2-6-3. REQUIREMENTS FOR CONSTITUTIONAL OR SPECIAL REFERENDUMS AND OTHER QUESTIONS.

In order for a referendum or other question to appear on the ballot for an election, be it regular or special election, then:

- A. It must be passed by the ASNMSU Senate in the form of a resolution at least four (4) calendar weeks before the election, and be in accordance with all other ASNMSU Law. Resolutions concerning Constitutional Referendums must be passed by a two-thirds (2/3) majority vote of the ASNMSU Senate or,
- B. There must be a petition signed by no less than fifteen percent (15%) of the members of ASNMSU submitted to the Chief Elections Officer no later than four (4) calendar weeks prior to the election.

2-6-4. BENEFITS OF OFFICIAL CANDIDACY

Official candidates shall receive the following benefits:

- A. A photograph and written statement printed in the student newspaper prior to the general election at the expense of the Election Board, if that candidate so desires. Such a written statement shall not exceed two hundred (200) words. The Chief Elections Officer shall be responsible for arranging a photo session and collecting written statements;
- B. An official candidate may designate, with the Chief Elections Officer approval, a representative to attend necessary candidate meetings or attend the counting of the vote.

2-7. CAMPAIGN RULES

In campaigning the following campaign rules shall be observed:

- A. No persons shall campaign, post any campaign material, or in any other way, attempt to induce any voter or other person to vote for any person or question within the areas of the polling place;
- B. No person shall solicit members of the ASNMSU to vote within the areas of the polling place;
- C. No person shall campaign earlier than two weeks before absentee voting in the ASNMSU election in which they are running, however petitioners are allowed to inform individual students from whom they are seeking signatures as to why that student should sign their election petition.
- D. Placement of campaign materials on campus shall abide by all NMSU rules and regulations;
- E. Candidates for the offices of Senate, Vice-President, and President shall be allowed to campaign by utilizing electronic sources to include list serves, online forums, and public web sites without charge against candidate campaign expenditures.
 - 1. Any electronic campaign material purchased must be included in the total campaign expenditures.
- F. Candidates are responsible for being granted access to specific list serves by the appropriate individual(s) responsible for the list serve.
- G. Candidates shall be allowed to utilize online forums to include public web sites such as facebook.com and myspace.com at the discretion of the Elections Board.

- H. No person shall be denied entrance into an online community.
- I. Candidates shall be responsible for any electronic material which bares their name that is enacted by the candidates official campaign workers or by the consent of the candidate or the candidate themselves.
- J. No person shall destroy or deface posters, pamphlets or other campaign material;
- K. No person shall disrupt or prevent the legal and orderly campaign of any person;
- L. The candidate shall be responsible for the actions of the candidate's official campaign workers as those actions relate to the conduct of the election;
- M. Total campaign expenditures for each candidate for the general election shall not exceed twenty-five dollars (\$25.00) for senators and one hundred fifty dollars (\$150.00) for President and Vice President;
 - 1. In the event of a run-off election, each candidate may spend an additional amount equal to twenty percent (20%) of the general election limit;
 - 2. Candidates for other elected offices shall be limited as a senator with respect to campaign expenditures;
- N. Candidates conducting a write-in campaign shall be subject to the campaign rules as if they were official candidates.
- O. It is unlawful for any person to:
 - 1. Open any ballot box, inspect or remove the contents thereof without lawful authority;
 - 2. Vote or offer to vote in the name of any other person;
 - 3. Vote or offer to vote with the knowledge of not being a qualified voter;
 - 4. Vote or offer to vote more than once in the election;
 - 5. Induce, abet, or procure a person known not to be a qualified voter to vote;
 - 6. Induce, abet, or procure a person who has voted previously in an election to vote again;
 - 7. Fraudulently deceive or mislead any voter or election official;
 - 8. Pay or cause to be paid directly or indirectly, any money or other valuable consideration to any student for the purpose of inducing any student to vote or to refrain from voting;
 - 9. Pay or cause to be paid directly or indirectly, any money or other valuable consideration to any person for the purpose of inducing any election official to violate the Election Code, or to mark, alter, suppress, or otherwise change any ballot that has been cast, any election return or other election documents;
 - 10. Accept a bribe;
 - 11. Induce or attempt to induce fear in any student, election official, and/or voter by threats of any sort.

- P. Candidates that request temporary and/or additional Internet voting sites for the purpose of an ASNMSU election shall make a request to the Chief Elections' Officer, who will then decide if an additional site is needed or required.
- Q. No candidate may setup temporary or additional Internet voting sites themselves, but must make the request to the Chief Elections' Officer for handling to ensure impartial officials handle the site.
- R. No parties shall setup temporary or additional Internet voting sites without the direct consent of the Chief Elections' Officer for the purpose of voting in the ASNMSU elections.
- S. No candidate may use a wireless-capable device in a wireless capable area to induce, abet, or procure votes for themselves.
- T. No parties may use a wireless-capable device in a wireless capable area to induce, abet, or procure votes for candidates.
- U. Candidates requesting the setup of wireless capable devices or the use of wireless capable devices inside a wireless capable area for the use of the general student population in voting in the ASNMSU elections, may not do so themselves, but must make a request of the Chief elections' Officer for setup.
- V. Candidates are not allowed to be involved in the use or administration of additional and/or temporary Internet voting sites.
- W. Candidates are not allowed to personally use or administer the use of wireless-capable devices in wireless capable areas for the general student population use for voting in the ASNMSU elections.
- X. Areas that have campaign materials setup can not be used as temporary or additional areas for setup of devices used for voting in the ASNMSU elections by the general student population until all campaign materials have been cleared.

2-8. ELECTION CODE PENALTIES

Any person or election official who has been found to have committed a violation of the election shall be:

- A. Prohibited, if an official candidate, from having their name printed on the ballots; or
- B. Disqualified as an official candidate; or
- C. Disqualified from assuming office; or
- D. Subject to such other penalties as may be prescribed by an ASNMSU court or NMSU official or disciplinary body having authority to impose such penalties.

**ASNMSU OFFICIAL PETITION OF CANDIDACY FOR SENATOR
IN FALL 2008 ELECTION**

(Due on **October 17th**, by **5:00p.m.** to the Chief Elections Officer)

Full Name: _____

Address: _____

Phone Number: _____

E-mail: _____

College of Candidacy: _____

I, _____, acknowledge my candidacy for the office of ASNMSU Senator, and shall, if elected, accept the duties and responsibilities of the office. I am a member of the ASNMSU not suffering disability by academic or disciplinary probation and am qualified, as prescribed by the ASNMSU Constitution, to accept and run for the office which I am a candidate.

Signature: _____

Note: No member of the ASNMSU shall sign more petitions of candidacy, than positions to be voted on for Senator from that college at the General Election.

NOMINTATIONS FROM ASNMSU MEMBERS

Name (Print)	Signature
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Candidate's Name (Please Print): _____

*Note: No member of the ASNMSU shall sign more petitions of candidacy than positions to be voted on. This is checked by Election Officials upon receiving the petitions and affidavit.

*Candidates for Senate: All signatures must be from the members of the college in which you are running, all others will be deemed invalid.

*Candidates for President/VP: All signatures must be from an ASNMSU fee paying student.

NOMINTAIONS FROM ASNMSU MEMBERS

Name (Print)	Signature
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Candidate's Name (Please Print): _____

*Note: No member of the ASNMSU shall sign more petitions of candidacy than positions to be voted on. This is checked by Election Officials upon receiving the petitions and affidavit.

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*Candidates for President/VP: All signatures must be from an ASNMSU fee paying student.

NOMINTAIONS FROM ASNMSU MEMBERS

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Candidate's Name (Please Print): _____

*Note: No member of the ASNMSU shall sign more petitions of candidacy than positions to be voted on. This is checked by Election Officials upon receiving the petitions and affidavit.

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*Candidates for President/VP: All signatures must be from an ASNMSU fee paying student.

NOMINTAIONS FROM ASNMSU MEMBERS

Name (Print)	Signature
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Candidate's Name (Please Print): _____

*Note: No member of the ASNMSU shall sign more petitions of candidacy than positions to be voted on. This is checked by Election Officials upon receiving the petitions and affidavit.

*Candidates for Senate: All signatures must be from the members of the college in which you are running, all others will be deemed invalid.

*Candidates for President/VP: All signatures must be from an ASNMSU fee paying student.

ASNMSU QUALIFICATION CHECK RELEASE/AUTHORIZATION

By my signature below, I hereby authorize personnel in the office of the Dean of Students (formerly office of the Vice President of Student Affairs) to verify and release the following information to the Chief Elections Officer and ASNMSU Advisor in accordance with Section 2-2-8-C, and 3-27 of the ASNMSU Lawbook:

- 1) Membership in ASNMSU (paid the ASNMSU fee);
- 2) Academic Standing;
- 3) Disciplinary Standing;
- 4) and Grade Point Average.

Please return this completed, to the Chief Elections Officer as soon as possible, but no later than 5:00 P.M. on October 17th, 2008. The CEO, in conjunction with the ASNMSU Advisor, will prepare a list of candidates for office, including their qualifications for office, and provide the list and this Release/Authorization form to the office of Dean of Students. The office of the Dean of Students shall notify the CEO of the status of the candidates seeking election and whether any candidate does not meet the qualifications for office.

Notification and subsequent possible actions are outlined in Section 3-27 of the ASNMSU Lawbook.

Signature

Printed Name

Banner I.D. #

Office Held / Term of Appt.

Date Signed

LIST SERVE FORM

Name of Facebook/Myspace group: _____
Date group was created: _____ Date group was opened to students: _____
Group Creator: _____
Group Administrators: _____

Name of List Serve: _____
Date of Sent Message: _____
Number of People on List Serve: _____
Name, Title, and Phone Number of person who gave you approval:

Name of List Serve: _____
Date of Sent Message: _____
Number of People on List Serve: _____
Name, Title, and Phone Number of person who gave you approval:

Name of List Serve: _____
Date of Sent Message: _____
Number of People on List Serve: _____
Name, Title, and Phone Number of person who gave you approval:

Name of List Serve: _____
Date of Sent Message: _____
Number of People on List Serve: _____
Name, Title, and Phone Number of person who gave you approval:

Name of List Serve: _____
Date of Sent Message: _____
Number of People on List Serve: _____
Name, Title, and Phone Number of person who gave you approval:

