

ASSOCIATED STUDENTS (A.S.) OF SAN JOSÉ STATE UNIVERSITY

Date of Introduction:	Date of Revisions:	Effective Date:
May 2, 1994	February 21 st 1996	
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	December 10, 2008	
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	March 11, 2009	
	February 24, 2010	
	May 5, 2010	
	May 11, 2011	July 1, 2011

I Title: Election Regulations Manual

II. Purpose and Scope

- A. The purpose of the Elections Regulation Manual (ERM) is to establish rules intended to provide all San José State University (SJSU) students with an equal opportunity to present their views and qualifications to the SJSU student body for election to A.S. office.
- B. It is the responsibility of the Associated Students Election Board to ensure compliance with this Election Regulation Manual.
- C. The ERM applies to each election as defined by the following section.
- D. This ERM applies to each area recognized as owned by and part of San Jose State University (Section III. D).
- E. The ERM provisions apply to all SJSU students
- F. All activities not specifically addressed in the ERM shall be governed by the A.S. Bylaws, applicable A.S. legislative acts, the A.S. Rules of Procedure, and California statutes and regulations pertaining to student activities including the California Education Code and Title V of the California Code of Regulations, and relevant campus policies and procedures.

- G. The ERM is amendable in accordance with the A.S. By-laws and Act 15.
- H. The ERM may not be amended or revised after advertising has begun for an election cycle.
- I. Faculty, Staff, and administration participation in student elections shall conform to Chancellor's Office regulations.
- J. The constitutional right to freedom of speech shall be guaranteed to all students regarding elections.

III. Definitions

- A. A general election is regular yearly election of officers in the executive and legislative branch, as well as referendums and initiatives placed on the ballot.
- B. A special election is an election held outside of a regularly scheduled general election, limited to strictly referenda/initiatives, not exceeding 4 per year (2 in the fall, 2 in the spring).
- C. A run-off election is an election that is a result of a tie-vote during a general or special election.
 - 1. If a tie-vote also occurs in a run-off election, the currently serving president shall break the tie.
- D. The term campus as used in this ERM means:
 - 1. The area north of San Salvador Street, west of Tenth Street, east of Fourth Street, and south of San Fernando Street that is generally recognized as comprising San José State University property, including the parking garages as well as the block bounded by South Tenth Street, East San Fernando Street, South Ninth Street, and Elizabeth Street, including the sidewalks.
 - 2. Any other areas that are owned, controlled, or used by SJSU including, without limitation, the "south campus" athletic facilities, the International House, and University Residence Halls."
- E. A referendum is a question post to the student body by the board of directors.
- F. An initiative is a question post to the student body by a member of the student body.
- G. The term day refers to business days, defined as Monday through Friday, from mid-August to May 31st.

- H. A candidate is a student who is eligible and running for an elected A.S. office. The Election Board Advisor will conduct eligibility checks once all candidates have turned in their application by the deadline determined by the Election Board calendar. For the purpose of this document, referenda and initiatives shall be referred to as candidates.
- I. Each student that pays the Student Body Association fee has equal voting and candidacy rights in all Associated Students Elections. Eligibility requirements must be met by the deadline as well.
- J. The term campaigning refers to organized actions that a candidate undertakes in order to win an election.
- K. A polling location is and can only be those authorized and regulated by the election board.
- L. An unauthorized polling location is defined as any one or more computers placed for the sole purpose of gathering votes that is not approved in writing by the election board.

IV. Election Procedures (Special Elections, General Elections, Referenda and Initiatives)

A. Time of Elections:

1. The Election Board shall create the Election Calendar/Timeline within one month of assuming its responsibilities.
2. The Election Calendar/Timeline shall be approved by a simple majority of the A.S. Board of Directors

B. Application & Registration

1. A student may have his/her name placed on the ballot for an A.S. office by filling out an application for that office by the deadline determined by the Election Board.
2. A student's name shall appear on the online ballot for only one office in a single election.
3. No candidate shall be required to pay filing fees or collect signatures to run for office. Potential candidates may, however, be asked to share personal information with the Election Board and its advisor on the application, which shall be used solely for the purpose of communicating with the potential candidate, campus media and verifying eligibility. A candidate

may chose to decline communicating with the media by indicating so in the candidate application.

4. The Election Board will make candidate applications available online through the Election Board Website.
5. Candidate Applications must be turned in and received by the front desk staff or an election board member by 6:00pm on the date determined by the Election Board to be the final candidate-filing deadline.
6. It is the responsibility of each candidate to be familiar with each regulation (San Jose State University student conduct guidelines, A.S. Bylaws, Act 15, Election Regulation Manual, and California Education Code) regarding A.S. elections and ensure that each person and/or organization involved in his/her campaign is fully informed about them. Each candidate is responsible for the actions of each person and/or organization participating in his/her campaign that violates the policies, procedures, and regulations pertaining to A.S. elections.

C. Disqualification & Withdrawal

1. Disqualification: applicants who fail to meet eligibility guidelines must be so notified by the Election Board Advisor within five (5) days after the receipt of candidate application. A disqualified applicant will be deemed to have withdrawn from the Election and his/her name will not appear on the online ballot. It is strongly recommended that an applicant turn in his/her completed application prior to deadlines so as to facilitate meeting eligibility guidelines prior to application deadlines.
2. Withdrawing candidates and initiatives/referenda: a candidate may withdraw from an election at any time by informing the election board in writing. If the online ballot has not been made available yet at the time of notification, the Election Board shall not place a withdrawn candidate's name (referenda/Initiative) on the online ballot.
3. The Election Board shall not count votes cast for a Votes cast for a withdrawn candidate (referenda/initiative) under any circumstances.
4. If the Election Board is unable to remove the withdrawn candidate's name (initiative/referenda) from the election ballot before it is made available on-line, any votes cast for that withdrawn candidate (initiative/referenda) cannot be counted.
5. If a single candidate for an A.S. Office withdraws after the filing deadline passes, no further applications for election to that office can be accepted,

and the position shall be filled in accordance with the A.S. Bylaws (Section II, Section III, 1, d & Section IV, 4).

D. Candidate Orientation Meetings

1. Prior to each election, the Election Board shall hold a minimum of two (2) candidate orientation meetings on different days of the week and at different times (a Monday/Wednesday meeting and a Tuesday/Thursday meeting, one in the morning and one in the evening). Other arrangements may be made with the Election Board if applicant cannot attend those two meetings.
2. Each person interested in running for an A.S. office, including incumbents seeking re-election, are required to attend a Candidate Orientation Meeting where he/she will be informed about candidate eligibility and position requirements/expectations.
3. Students submitting an initiative or referenda for the ballot must also participate in a Candidate Orientation Meeting.

E. Candidate Rules, Regulations & Ethics Meetings

1. Following the submission of applications, the Election Board shall hold a minimum of two (2) Rules, Regulations & Ethics Meetings on different days of the week and at different times (Monday/Wednesday meeting and a Tuesday/Thursday meeting, one in the morning and one in the evening). Other arrangements may be made with the Election Board if applicant cannot attend those two meetings.
2. Each person interested in running for an A.S. office (including incumbents seeking reelection) are required to attend a Candidate Orientation Meeting where he/she will be informed of election regulations, campaign rules, and the functions, responsibilities and time commitments of each A.S. elective office.
3. Students submitting an initiative or referenda for the ballot must also participate in a Candidate Rules, Regulations & Ethics Meeting.

F. Candidate Events

1. Following verification of applicants (initiative/referenda), the election Board shall sponsor a minimum of three (3) candidate events.
 - Candidate Open Forum (where candidates are to give statements about goals, personal accomplishments and campaign platform).
 - Candidate Debate (between candidates in contested positions)
 - Meet the Candidates (In collaboration with the A.S. Programming Board)

2. The Election Board shall grant each candidate equal time and opportunity to speak and make personal statements.
3. Students submitting an initiative or referendum for the ballot may participate in an event.

G. Elections Advertising

1. All elections and candidate events must be publicized using all mediums including Spartan Daily, posters, online, etc as early as feasibly possible and according to the Election Board Calendar.
2. A Voter Information Guide shall be made available either online or in printed form at least a week prior to the first day of voting and according to the Election Board Calendar/Timeline.
3. Statements submitted by candidates for the Voter Information Guide will be edited for factual accuracy. If a candidate submits information that is wholly inaccurate and misrepresents the Associated Students or San Jose State University, a grievance will be filed against said candidate by the Election Board which may result in the candidate's invalidation.

H. Ballots

1. Each online ballot should include the names of candidates running for the office, referenda/initiatives title, and pro/con statements.
2. During the construction and activations of the electronic ballot, the Election Board shall randomize the names of candidates and any initiative/referendum.

I. Student Voting Eligibility

1. Each student that pays Student Body Association fees has equal voting rights in all Associated Students Elections.
2. Eligible voters may vote at any of the official polling locations on campus or from any device that has access to my.sjsu.edu system.
3. On the election days, voters may vote from any device until the close of voting on the third day of elections at 8:00am.

J. Polling Locations

1. There must be a minimum of two official polling locations administered by the Election Board.
2. Unofficial Polling locations are not permitted and will be disbanded immediately by Election Board. If a candidate is found to be associated with the unofficial polling location, a grievance will be filed by the Election Board, which may result in disqualification.
3. No person shall be allowed to promote a candidate or initiative/referenda, conduct campaigning activities, or loiter within 75 feet of an official polling locations. Only eligible voters casting ballots and designated election officials are allowed at the polling areas.

K. Determination of Winners

1. A candidate or initiative/referendum receiving the most votes cast in an election shall be deemed the winner.
2. Should the vote result in a tie, a run-off election shall be held for that office/initiative/referendum during the same semester held no later than ten days after the closing of the previous ballot.

L. Announcement of Results

1. The Chief Elections Officer or a designee shall be responsible for compiling and publicizing the election results along with the certification of results assuring the results have not been compromised.
2. Election results shall be posted in the window of the Election Board Office and Associated Students Offices and copies shall also be sent to the Election Board advisor and Associated Students' executive.
3. Results shall be made available no later than 6 hours after the closing of the online ballot and remain posted for a minimum of 7 business days.

V. Campaigns

A. Campaign Materials

1. Campaign materials may only be placed in the areas designated by the Election Board with stakes and string.
2. A candidate may place only one item of campaign material in each area designated by the Election Board for display.

3. Each item of campaign material must be submitted to the Election Board for approval prior to posting and shall be given notice of approval/denial within two days after receipt.
4. The distribution of campaign materials must adhere to SJSU's policy of Time, Place and Manner. SJSU's policy will be distributed to candidates at the Candidate Rules, Regulations, and Ethics Meetings prior to the start of campaigning.
5. Persons distributing or posting campaign materials at fraternities, sororities, or residence halls, or at meetings/events sponsored by campus organizations must comply with their applicable rules and regulations.
6. The posting and distribution of campaign materials on campus shall not begin before a time and date specified by the Election Board.
7. Each candidate shall remove all campaign materials from the campus within two hours after the polls close on the last day of elections.

It is mandatory for candidates to report all expenses and contributions with receipts to the Elections Board on the Candidate Expense Sheet provided by the Election Board before the first day of voting. Candidates cannot exceed more than \$1,000 in campaign expenses. Such is grounds for removal from the ballot by two-thirds vote of the Election Board and referral to the appropriate disciplinary bodies.”

8. Candidates may not use any Associated Students property such as, but not limited to: phones, computers, copy machines, printers, student databases, and any other supplies, equipment, or information purchased with or acquired by Associated Students fees. Such use is grounds for removal from the ballot by two-thirds vote of the Election Board and referral to the appropriate disciplinary bodies.
9. Candidates may not solicit nor accept any materials, funds, assistance, or endorsement from any SJSU faculty, staff, or administrative personnel. Any candidate found by two-thirds vote of the Election Board voting members to have engaged in such behavior is subject to removal from the ballot.

B. Voter Information Guide

1. Candidate statements must be submitted by the place, date, and time, and in the format designated by the Election Board.
2. Word limits for statements submitted for the VIG are:
 - a. A maximum of 250 words for personal statements.

- b. A maximum of 200 words for ballot initiative, referenda, or recall election descriptive text.
 - c. A maximum of 200 words each for pro or con statements concerning ballot initiatives, referenda, and recall elections.
 3. The selection of statements for publication in the VIG in support of and in opposition to initiatives, referenda, and recalls shall be as follows:
 - a. The person or organization sponsoring the initiative or recall shall be entitled to write the VIG statement in support of the measure.
 - b. The statement in support of a petition for recall or initiative must be submitted to the Election Board with the petition. Statements concerning referenda must be submitted at least 15 school days before the election. If no statement is submitted, none shall be published in the VIG.
 - c. Upon submission of a petition for recall or initiative, the Election Board will post the recall or initiative language on its office door and on the A.S. website, together with the procedures for submitting an opposition statement.
 - d. The first statement submitted to the Election Board by a person, registered campus organization, or campus political party in opposition to an initiative or referendum and signed by at least ten students shall be published in the VIG in opposition to the initiative or referendum.
 - e. An officer whose recall is sought shall write the statement to be published in the VIG in opposition to the recall.
 - f. The statement in support of a referendum placed on the ballot by the A.S. Board of Directors pursuant to the A.S. Bylaws shall be written by a person(s) selected by the A.S. Board of Directors to do so.
 4. The Election Board shall provide the A.S. Marketing department with a VIG to be made available on the A.S. website or such other practical means prior to the election.
 5. Examples of campaigning activities:
 - a. Seeking endorsements from recognized on-campus student organizations.

- b. Posters, flyers, pamphlets or any other form of publicity handed to or displayed to students in order to obtain votes.
- c. Any other type of online publicity including but not limited to: Facebook, Myspace, Twitter, online blogs or personal websites.

VI. Violations

- A. The Election Board shall be responsible for enforcement of Act 15 the ERM rules, regulations, and procedures, and enforcing the provisions thereof with appropriate penalties. The Election Board shall convene to investigate and rule on complaints and violations of the election per ACT 15 and ERM. The Election Board has authority to take such reasonable action as is necessary to ensure the conduct of a fair election. Reasonable actions do not include those that change the intent of nor contradict current election regulations as enacted by the A.S. Board of Directors. The Election Board may consult with A.S. legal counsel concerning whether an action to be taken pursuant to this authority is reasonable. Persons affected by the action of the Election Board pursuant to this section may submit a complaint to the Election Appeals Board.
- B. No campaigning before the deadline established by the Election Board.
- C. Any student or candidate who removes or destroys campaign materials of another candidate/referendum/initiative shall be subject to disciplinary action determined by the Election Board.
- D. The Election Board will remove campaign materials placed other than in designated areas and those responsible will be subject to disciplinary action.
- E. The Election Board will confiscate campaign materials posted or distributed without approval and the candidate will be subject to disciplinary action.
- F. Each election violation charge shall be reported to the Election Board no later than two school days after the alleged violation was discovered. The Election Board shall convene to investigate and rule on complaints and violations of election rules (Act 15, Section III., C, 4.). Each decision of the Election Board concerning complaints of alleged violations must be in writing. Should the decision of the Election Board be appealed, a copy of the complaint(s) and each Election Board decision shall be forwarded to the Chair of the Appeals Board who shall convene a meeting of the Election Appeals Board (Act 15, Section IV.)
- G. Campaign materials, campaigning in areas not designated by the Election Board; violations of the University's policy of Time, Place, and Manner; failure to remove campaign materials by the specified deadline; or campaigning within the restricted area of a poll location. Penalties for minor violations include but are not limited to: oral reprimand, written reprimand, or restraint of specified conduct. A candidate

against whom the Election Board sustains three minor offenses shall be removed from the ballot upon a two-thirds vote of the voting members of the Election Board.

- H. Major offenses include but are not limited to: destruction of campaign materials or property; causing bodily injury to another candidate or those affiliated with him/her; prohibiting an individual from running for his/her position of choice; conduct or activity by the candidate or those affiliated with him/her in violation of the ERM, Act 15, or the election rules, policies, and procedures that may have affected the outcome of an election; falsification of evidence presented to the Election Board; the filing of a knowingly false complaint to the Election Board; failure to comply with each penalty imposed for minor violations; or the use of A.S. equipment or resources by the candidate or those affiliated with him/her. Penalties for major violations include but are not limited to: restraint of specified further election conduct, such as loss of campaigning privileges, or letters of apology to be published in the campus media. One major offense sustained by clear and convincing evidence shall be cause for removal from the ballot upon two-thirds vote of the voting members of the Election Board.
- I. The Election Board will determine whether an alleged violation constitutes a major and minor offense as alleged in the complaint by a majority vote of voting members. If upon review of the complaint, the allegations constituting a minor offense are determined sustained by a majority vote of the Election Board, the Election Board shall determine what penalty shall be imposed. To be sustained, the allegations in a complaint must be established by a preponderance of the evidence for minor offenses, and clear and convincing evidence for major offenses. A two-thirds vote of the Election Board is necessary to sustain a major offense as defined in this ERM. The Election Board must consider the following factors in determining penalties: severity and effect of the offense, the intent of the offender and/or his/her campaign workers or party members, and the willingness of the offender and/or his/her campaign workers or party members to cooperate with the Election Board in evaluating the complaint.
- J. Each violation of this ERM that the Election Board determines to be sufficiently egregious and intentional shall result in a referral to the Election Appeals Board for investigation and appropriate disciplinary action. If a violating student was elected to an A.S. office, the Election Appeals Board may recommend to the A.S. Board of Directors that the student be removed from office upon completion of the investigation.
- K. If the Election Board finds a single or combination of election violations to be such that all or a portion of the election was so prejudiced that fair and reasonable selection among candidates or issues was not possible, the Election Board may recommend to the Election Appeals Board that all or a portion of the election to be re-submitted for a vote in accordance with the applicable provisions of the ERM and Act 15.

- L. Any student may submit a complaint. Complaints submitted to the Election Board must include reference to the specific part of Act 15 and/or the ERM that allegedly has been violated, who allegedly is in violation, and where and when the alleged violation occurred. The last opportunity to submit complaints to the Election Board will be 48 hours after the close of voting.

VII. Appeals

- A. The Election Appeals Board (EAB) shall be constituted as provided in Act 15, Section IV.
- B. Each decision of the Election Board other than a decision to remove nonconforming campaign materials may be appealed to the EAB.
- C. A student may appeal an Election Board decision by submitting a written appeal to the Chief Election Officer within 48 hours following the Election Board's decision. The appeal must be signed and dated by the appellant and contain a copy of the Election Board's decision if a written decision was issued; if none, the appellant's written report of the decision rendered, the rationale for the student's appeal, and such evidence as the appellant desires the EAB to consider must be included.
- D. The EAB shall convene to consider an appeal no less than 24 hours and no later than three school days after the appeal has been submitted.
- E. The Chair of the EAB shall timely notify the appellant and the Chief Election Officer of the date and time of the EAB meeting. The Chief Election Officer may respond to the appeal in writing at any time prior to or at the EAB meeting. The Chief Election Officer's written response shall be provided to the appellant. The Chief Election Officer and the appellant may bring additional evidence for presentation at the meeting. Testimony of relevant witnesses will be heard at the discretion of the Chair.
- F. Such Rules of Order will be followed during EAB meetings as are prescribed before the hearing by the Chair of the EAB. The meeting shall be public or closed at the discretion of the Chair of the EAB. The Chief Election Officer, the appellant, and each witness, if any, shall be sworn to offer testimony under penalty of perjury.
- G. The appellant and the Chief Election Officer (or his /her designees) are each permitted, but not required, to make up to a 15-minute presentation, which may be followed by questions from the EAB members. Extensions of time may be granted for good cause as determined by the EAB chair.
- H. Deliberations of the EAB shall be in closed session, with only EAB members in attendance. The vote of the EAB on the issue or issues shall follow in open session. The Chair will announce the decision.
- I. Decisions of the EAB are final.

