

# Arizona State University Undergraduate Student Government Elections Code 2021-2022

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

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*“One University In Many Places”*

## CHAPTER 1 - QUALIFICATIONS OF VOTERS

1-1.1: ASU students who are enrolled in at least one (1) credit hour as an undergraduate student are qualified voting members of USG.

1-1.2: Students are only eligible to vote for the campus representatives running at the campus in which their major's are housed.

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

### 2-1: CANDIDATE ELIGIBILITY AND QUALIFICATIONS

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

- A. Must be a member of USG (see Chapter 1).
- B. Must be a degree-seeking student at ASU.
- C. Must have a minimum cumulative GPA of 2.6
- D. Must be a student in good disciplinary standing with ASU.
- E. Must be a student enrolled in and maintaining six (6) credit hours per semester on the location where the position exists or pursuing a major that originates on the corresponding campus.
  - i. The six (6) credits may be in-person or iCourse.
- F. May only hold one office within ASASU concurrently (including appointed/hired positions).
- G. Senatorial candidates may only seek and hold office at the location where their major exists. Senatorial seats for colleges/schools that exist on multiple campuses will be annually reviewed by the Elections Department.

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

- a) One President for each campus .
- b) One Vice President of Services for each campus.
- c) One Vice President of Policy for each campus .
- d) Senator(s) for each college/school. Representation and the number of Senators per college or school for each campus will be determined by the bylaws of the respective campuses. At-large senators may also be elected so long as a campus's bylaws authorize at-large senators.

2-1.3 Any qualifications, responsibilities, and length of service requirements not enumerated within this Elections Code, including those regarding appointed positions, will be addressed in each campus's bylaws.

## 2-2: CANDIDATE REGISTRATION

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

2-2.2 Three (3) members of USG (see Chapter 1) become a USG Executive Ticket when they have completed all the documents required by the Elections Department. Members may run on only one ticket.

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

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

## 2-3: CANDIDATE EXPECTATIONS

2-3.1 All candidates must attend a mandatory candidates' meeting at their respective location.

A. The Elections Department must inform all candidates of the meeting date and time within one (1) week of the application deadline, and at least three (3) days before the date of the meeting.

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

i. If a candidate is unable to attend the mandatory meeting at their respective location due to compelling circumstances they must notify the Elections Department as soon as they are aware of a conflict. Plans must be made with the Assistant Elections Commissioner at their respective location to attend a mandatory candidates' meeting at another ASU location. Candidates who missed their campus's mandatory meeting may attend a session virtually if they cannot attend the meeting in person at another campus.

ii. If a candidate chooses to appeal their disqualification, the corresponding online Appeals Forms must be submitted to the Elections Department within twenty-four (24) hours of the absence to show compelling circumstances.

iii. Compelling circumstances may include, but are not limited to, family emergency, class scheduling conflicts, job scheduling conflicts, and any other circumstances deemed compelling to prevent attendance at such a meeting.

2-3.2 The Elections Department has the right to call subsequent candidates' meetings.

A. Candidates shall receive two (2) business days notice before any subsequent mandatory candidates' meetings.

2-3.3 All forms must be submitted by the date(s) and times set by the Elections Department.

2-3.4 Candidates shall be held responsible for knowing any and all information presented or distributed at the mandatory candidates' meeting, any subsequent meetings, or by memorandum.

2-3.5 No write-in candidates will be permitted.

### CHAPTER 3 - TIMELINE

3-1.1 The Elections Commissioner shall be selected no later than the first Senate session of November as articulated in Chapter 10.

3-1.2 The Assistant Elections Commissioner for each campus shall be confirmed by the end of Fall Semester.

3-1.3 The Elections Department shall schedule campaigning for the general election to begin on the first Monday after the conclusion of Spring Break.

A. The general election shall begin on the third Tuesday after the conclusion of Spring Break.

B. If these dates conflict with any religious holidays, the Elections Department will decide on a suitable date for the general election. Each campus's senate bodies shall confirm the newly decided dates under these circumstances by a majority vote. If the newly decided dates under the above circumstances are denied by a campus's respective senate body, then the senate shall provide reasoning and suggestions for a suitable alternative to the Election Department that explain their decision and subsequent suggestions for a suitable alternative to the original proposal.

3-1.4 The election process shall be publicized on, at the very least, all relevant ASASU social media and websites no fewer than thirty (30) days prior to the election.

3-1.5 The candidate application form shall be made available no later than the first Monday in February.

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

3-1.7 The Elections Department shall hear and announce any decisions on all complaints within two (2) business days of the notice given to all parties concerned in a filed complaint.

3-1.8 Candidates may directly appeal to the Supreme Court the decision of the elections department within twenty-four (24) hours of the decision rendered by the Elections Department.

3-1.9 The Supreme Court shall announce any decision, in writing (online), in accordance with their rules, and shall have the final say in all complaints and decisions. The Supreme Court can only hear cases referred to them by the Elections Department, against the Elections Department, or through the filing of an appeal.

## CHAPTER 4 - CONDUCT OF ELECTIONS

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

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

4-1.2 In the General Election, undergraduate voters may vote for one (1) Executive ticket at each location at which their major(s) is/are registered. Undergraduate voters may also vote for the specified number of Senators for their college(s).

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

### 4-2: VOTING

4-2.1 There shall be a minimum of one (1) Polling Site for each election at each campus.

4-2.2 Polling Sites shall open no later than 9:00 a.m. and close no earlier than 5:00 p.m.

4-2.3 Each Polling Site shall be staffed by at least two (2) Poll Workers with working computers.

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

4-2.4A Candidates shall not be permitted to run Poll Stations under any circumstance.

4-2.5 Online voting shall be implemented by the Elections Department. This shall in no way exempt the Elections Department from creating polling stations at each location.

4-2.6 All voting shall be by secret ballot.

4-2.7 Proxy voting of any kind shall not be permitted, with the exception of students with disabilities requiring assistance.

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

4-2.9 Only currently enrolled members of a college/school shall be permitted to vote for the Senatorial Candidates from their respective college/school and respective campus in which their major is registered. Some campuses may have at-large senators in which case, all currently enrolled students at the respective

campus may vote for at-large senators. In each race, the winner(s) will be the candidate(s) who receives the plurality of votes.

A. If there is a tie between two or more Senatorial Candidates, the Elections Department shall be in charge of organizing a run-off election.

B. If a Senatorial Candidate, or a group of Senatorial Candidates when there are 2 or more seats up for election, are running unopposed, and do not receive any votes, then they shall not be declared the winner.

4-2.10 Executive Ticket races shall be conducted using the following ranked choice voting system:

A. The first choice marked on each ballot shall be counted initially by election officials.

B. If any ticket receives a majority of the first choices, that ticket shall be declared elected.

C. If no ticket receives a majority of first choices, the Elections Commissioner shall conduct the instant runoff consisting of additional rounds of ballot counting.

D. In every round of counting, each ballot is counted as one vote for that ballot's highest ranked advancing ticket. "Advancing ticket" means a ticket for that office who has not been eliminated.

E. A ticket receiving a majority of valid votes in a round is declared elected. If no ticket receives a majority of valid votes in a round, the ticket with the fewest votes shall be eliminated, and all ballots shall be recounted.

F. This process of eliminating the ticket with the fewest votes and recounting all ballots shall continue until one ticket receives a majority of the valid votes in a round.

G. If a tie occurs, after proceeding through the above process, the Elections Department shall call a run-off election.

#### 4-3 RUNOFF ELECTIONS

4-3.1 In the event of a runoff election, which shall be called by the Elections Department in the event of a tie between Executive Tickets or Senatorial Candidates or in the event the integrity of the Elections were violated, all tickets and Senatorial Candidates will maintain the violation points incurred during the general election.

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

A. Within one (1) business day of the announcement of a runoff election, the date and time of the mandatory meeting with the Elections Commissioner must be announced.

4-3.3 Within one (1) business day of the announcement of a runoff election, the formal election dates including the twenty-four (24) hour voting cycle and announcement of runoff election results must be

announced on campus specific social medias, in an email to the candidates affected, and any other means deemed necessary by the Elections Department.

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

## CHAPTER 5 - CAMPAIGN CONDUCT

### 5-1: CAMPAIGN CONDUCT

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

- A. Exceptions to this provision include any of the following actions:
  - a. Hiring campaign staff
  - b. Ordering campaign materials
  - c. Gathering and crafting virtual or physical campaign materials
  - d. Partaking in any other activities that can reasonably be viewed as planning for the campaign so long as the candidate(s) is/are not soliciting votes in any way.

5-1.2 All candidates and campaign activities are subject to University Policies & Procedure throughout the duration of the election.

5-1.3 Off-campus campaigning is permitted in private off-campus locations provided the candidate or person(s) campaigning have written permission of the owner, operator, manager, or resident of the location, depending on who has jurisdiction. Documentation of off-campus campaigning must be provided to the Elections Department before campaigning in such locations has begun.

- A. Exceptions to the above provision about documenting off campus campaigning include any of the following activities:
  - a. Speaking with individuals in a private setting
  - b. Partaking in virtual campaigning

5-1.4 USG candidates, programs, services, or departments may not use USG resources for the purpose of any campaign. This includes, but is not limited to, the use of computers, printers, paper, phones, or copy machines that are available to only USG employees, as they would provide an unfair advantage. This does not include university email, nor does this include use of services provided by USG to all students on their respective campuses. The Elections Department may, however, utilize the necessary USG resources to carry out the duties of their position.

- A. Candidates and campaign staff using their University email accounts to obtain email addresses and send emails shall not constitute a violation of these rules, with the exception of class roster list serves which shall be governed by Chapter 5-3.1 of this Elections Code.

5-1.5 Campaigning on any website that is hosted on a server outside of Arizona State University is still subject to the rules and regulations of the Student Code of Conduct, the USG Constitution, and the USG Elections Code.

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

A. Candidates must be informed of the locations of polling sites twenty-four (24) hours before the start of campaigning by the Elections Department.

5-1.7 No candidate shall employ amplification equipment for campaigning on campus unless there is approval from the appropriate parties.

5-1.8 Campaigning is not permitted in any Arizona State University library or computer lab.

- A. Speaking to clubs and organizations that meet in libraries or computer labs shall not be considered a violation.
- B. Approved use by building administration of public signage space and boards shall not be considered a violation.

5-1.9 Any candidate who seeks to participate in a debate shall inform the Elections Department of such debate at least 48 hours in advance of its scheduled time.

A. The Elections Department shall provide a form for logging and reporting the details of a debate.

## 5-2: CAMPAIGN STAFF ACCOUNTABILITY

5-2.1 Each candidate or ticket must provide the Elections Department with a list of their campaign staff and update this list immediately regarding any personnel changes. This Campaign Staff Roster will be maintained online, visible to all candidates, Elections Department staff, and Supreme Court Justices.

5-2.2 Any mentions of “campaign staff” in the Elections Code shall refer exclusively to those people listed on the Campaign Staff Roster.

5-2.3 Candidates must register campaign staffers and list them in the Campaign Staff Roster when a supporter of a campaign meets any one of the following criteria:

- A. A supporter is instructed by a candidate, Executive Ticket, or another campaign staffer to carry out the duties of the campaign
  - a. A supporter endorsing a candidate publicly shall not be considered a campaign staffer pursuant to clauses within this code.
  - b. A supporter being asked by a candidate to share information regarding said candidate’s campaign shall not be considered a campaign staffer pursuant to clauses within this code.
- B. A supporter works on campaign related activities for more than three (3) hours a week.



- C. A supporter speaks on behalf of a campaign in a class or to a student organization at the instruction of the campaign.
- D. A supporter distributes physical campaign materials on behalf of a campaign at the instruction of the campaign.

5-2.4 Candidates are responsible for informing their campaign staff of any and all provisions relayed in this Elections Code as well as any applicable provisions from University Policy or found in any other ASASU or USG governing document.

5-2.5 Candidates, Executive Tickets, and Campaign Staffers are not responsible for the conduct of their supporters unless it is proven that a candidate, Executive Ticket, or campaign staffer instructed an ordinary supporter of the campaign to violate these rules.

### 5-3: CAMPAIGN ADVERTISING

5-3.1 USG Elections advertising within physical classrooms and ASU Sync Classes is permitted.

A. Only candidates and registered campaign staffers may be permitted to advertise USG Elections and their campaigns in classrooms or through previous and current class roster listservs.

i. Advertising in classrooms, physically and virtually, in any capacity, such as utilizing zoom backgrounds or video conference software chat features, shall still constitute advertising in class and shall be activities considered requiring prior approval from professors.

B. The candidate or campaign staffer must obtain explicit written permission from the course professor before campaigning in class or utilizing previous and current class roster listservs.

C. The candidate or campaign staffer is required to record the professor's name, class prefix, and class time in a manner determined by the elections commissioner.

i. Record of permission and all necessary information required to be provided before campaigning in class shall be sent to the Elections Department at least 24 hours prior to the scheduled class announcement.

### 5-4: SOLICITATION

5-4.1 Door-to-door solicitation on and off campus by candidates or campaign staff, with the intention of soliciting votes for a specific candidate, affiliated with those candidates is prohibited.

5-4.2 Campaign materials shall not be placed under doors in University Housing or University affiliated housing.

## 5-5: NEUTRALITY

5-5.1 Campaigning by candidates or their staff and the presence of campaign materials within the USG offices is forbidden.

A. The Elections Commissioner shall determine the boundaries of the USG office at each location. This information shall be distributed to all candidates at the mandatory candidates' meeting referred to in Chapter 2-3. Candidates are responsible for informing their staff of these boundaries.

## CHAPTER 6 - CAMPAIGN MATERIALS

### 6-1: POSTERS

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

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

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

### 6-2: OTHER CAMPAIGN MATERIALS

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

6-2.2 There shall be no use of USG and/or Arizona State University copyrighted images on any campaign materials (including online materials). Prohibited images may be found at: <https://brandguide.asu.edu/>.

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

6-2.4 Candidates may not set up their own unofficial polling station on the day of Elections, to be defined by the Elections Department.

6-2.5 Candidates may not endorse themselves on behalf of clubs and organizations they belong to, including social media accounts unaffiliated with their campaign.

A. Clubs and organizations, except for USG, may still endorse a candidate. If a candidate is part of an organization that will endorse any candidate, the candidate in such organization shall recuse themselves by signing a document signifying their recusal. The Elections Department shall provide this document to all candidates before the start of the campaigning period.

6-2.6 Candidates may not solicit endorsements from organizations or individuals before the start of the official campaign period

### 6-3: CAMPAIGN MATERIAL REMOVAL RESPONSIBILITY

6-3.1 All candidates must remove all campaign materials, with the exception of social media posts, (See Chapter 13- GLOSSARY for definition of campaign material) within forty-eight (48) hours after the final results are announced and shall be enforced by the following clause. Enforcement of this clause shall be reserved for the internal disciplinary standards from the respective USG campuses.

6-3.2 Candidates are responsible for any charges assessed by Facilities Management.

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

6-4.1 Any candidate or campaign staff member who intentionally destroys, removes, steals, defaces, or damages physical campaign or non-campaign materials (See Chapter 13 GLOSSARY for definition) shall be disqualified or cause the disqualification of their affiliated ticket to the discretion of the Elections Commissioner.

6-4.2 Any candidate or campaign staff member has the right to remove any campaign or non-campaign materials that obscure or cover in any way their physical campaign posters, flyers, or campaign materials with the approval of the Elections Department. Removing materials without approval constitutes a violation as described in 6-1.3.

6-4.3 Virtual campaign materials shall refer explicitly to materials on a website or social media platform that are utilized, published, or shared with the intention of soliciting votes. It must be proven that a candidate or campaign staffer willfully removed, and inhibited such materials from being seen by the public, another candidate's virtual materials for it to constitute a violation under this clause.

- A. Candidates only own the rights to the virtual publications made from accounts affiliated with their campaign or campaign staff. In the case that another account, not reasonably officially connected with the campaign in question, publishes a post soliciting votes on behalf of a candidate, it shall not be considered virtual campaign material.

## CHAPTER 7 - CAMPAIGN EXPENSES

### 7-1: ACCOUNTING OF EXPENSES

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

- A. Expense Form(s) shall be provided by the Elections Department before the start of the campaign period.

7-1.2 All goods and services for which receipts cannot be provided with corresponding price amounts shall be reported on the Expense Form(s). Candidates must also report how, where, and from whom they obtained all items.

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

7-1.4 Any and all campaign materials or advertisements purchased by either a candidate or a candidate's campaign staff must be included in the reported campaign expenditures.

7-1.5 Any expenditures made by persons or organizations separate from the campaign of a candidate but on that candidate's behalf and with their knowledge and approval will be considered part of their campaign and shall be included in the reported campaign expenditures. Such expenditures include, but are not limited to, events put on in support of a candidate that the candidate endorses.

7-1.6 Any expenses incurred before the official start of the campaign in preparation for it shall be included on the candidates expense reports.

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

7-2.1 All receipts must be dated.

7-2.2 Documentation for all campaign materials/expenditures for each week and the running total of expenditures/materials used leading up to the election shall be reported to the Elections Department by 11:59 p.m. every Friday of the elections season, even if the candidate did not incur any expenses in the previous period.

7-2.3 All candidates are required to submit their Final Expense Forms with all receipts of expenditures occurring on the days of the Election no later than 11:59 p.m. on the day after the election. The final expense form shall be comprehensive.

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

## 7-3: ELECTIONS SPENDING LIMITS

7-3.1 The limit of expenditure for each Executive ticket shall be \$900 for West, Polytechnic and Downtown Executive tickets and \$1500 for Tempe Executive tickets. The monetary limit for Senatorial candidates shall be \$300. USG cannot provide any of these funds.

A. This limit applies to all campaign materials purchased or donated (see Glossary), as well as any invested in promotion or services.

B. Executive tickets or Senatorial Candidates in a runoff election shall be allotted a \$300

extension to their budget.

7-3.2 Any materials not purchased during the campaign season (donated, previously owned) that a ticket uses for campaigning will be given a fair market value set by the Elections Department and shall be included in the total monetary limit.

## CHAPTER 8 - COMPLAINTS AGAINST CANDIDATES AND TICKETS

8-1 Any member of USG, except members of the Supreme Court, may file a complaint with the Elections Department, subject to the following limitations:

- A. Complaints shall only allege violations of non-compliance of this Elections Code, including its references to the Student Code of Conduct and other related governing documents.
- B. The Elections Department files all complaints on behalf of USG as a whole and may delegate the actual argument of a complaint to any member of the Department.

8-2 All complaints against a USG candidate must be submitted to the Elections Department no later than one (1) business day following the plaintiff's discovery of the violation unless the violation is of continuing nature such that the violation is ongoing and actively harming another candidate or the integrity of the elections in which case such violations can be reported at any time during the campaign period.

- A. A plaintiff shall provide evidence of the day of discovery if the violation is not of continuing nature (See Chapter 13-Glossary for Definition)
- B. Complaints must be submitted via the corresponding online form which shall be provided to the candidates prior to the start of the campaign period. The Elections Department will review the complaints.

8-3 Complaints shall specify in what way the Plaintiff was allegedly injured by the actions of the Defendant.

8-4 If the complaint does not specify an injury, or the Elections Department determines that the Plaintiff is uninjured, or that the infraction was insignificant, the Elections Department shall dismiss the complaint with prejudice.

8-5 Notice of a complaint and subsequent hearing information, if requested by the petitioner, shall be given to all parties concerned within one (1) business day of the complaint being filed. All decisions shall be rendered by the Elections Department within (2) business days of the notice given to all parties concerned.

8-6 All Defendants are innocent until proven guilty to a standard of the preponderance of evidence by the Plaintiff. (See Chapter 13 - Glossary for the definition of preponderance of evidence)

8-7 Candidates or USG Executive Tickets have two (2) business days following issuance of an Elections Department decision to appeal to the Supreme Court.

A. The decision appeal deadline for runoff election violations is twenty-four (24) hours from the date of the Elections Department's ruling on any given violation.

8-8 The Supreme Court shall issue all appeals decisions within five (5) business days of appeal submission and shall not postpone or suspend General Elections in order to do so.

8-9 In the event that a complaint is filed, the information contained in the complaint is privileged to the plaintiff, Elections Department, Defendant, and the Supreme Court until the end of the appeals process. The disposition of the complaints will be made public upon completion of the appeals process even if the right to appeal is forgone.

8-10 Any interpretations of the Student Code of Conduct shall be reserved for University administration barring exceptional circumstances that are cause for immediate disqualification of a candidate. Complaints regarding Student Code of Conduct violations shall be forwarded to the Dean of Students Office for further consideration at the discretion of the Elections Department.

8-10.1 The Dean of Students Office shall not be charged with determining election cases; rather, they shall report their findings to the respective the USG campus. Disciplinary action shall be taken according to the respective Campus' Bylaws and the ASASU Constitution.

## CHAPTER 9 - RECORD KEEPING

9-1 The Elections Department shall keep all complaints until the election process is completed, after which all official online records of complaints shall be kept for four (4) years as precedent for the elections commission department.

- A. Precedent shall be referred to as a guide for handling situations based on previous cases such that the Elections Department shall cite precedent when rendering their decisions.
- B. The Elections Department may simply ignore precedent if it is determined that a past case was decided erroneously.

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

## CHAPTER 10 - ELECTIONS DEPARTMENT & ELECTIONS CODE

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

10-1.1 The Elections Commissioner is selected annually by the Council of Presidents or their designees no later than the first Senate session of November.

A. The Elections Commissioner shall be confirmed by each respective Senate in accordance

with the bylaws of the respective campus by the first Senate session of November

- i. If the Elections Commissioner is selected before the Fall All-Senate session, and this session occurs before the first Senate session of November, then the Elections Commissioner shall be confirmed by a 2/3 vote of members from each delegation present at such All-Senate Session. Each delegation must achieve the  $\frac{2}{3}$  vote threshold for the Elections Commissioner to be confirmed.
- B. The term of office shall begin on the date of confirmation and last until inauguration of the incoming presidents for the next academic year.
- C. The provisions contained in clauses (A) and (B) of this section shall be effective at the commencement of the 2021-2022 Legislature of each respective Senate and shall not go into effect before then.

10-1.2 The President of each USG and the Elections Commissioner shall agree on a nominee for Assistant Elections Commissioner for that campus, who shall be confirmed by a  $\frac{2}{3}$  vote by the corresponding Senate by the final Senate meeting of the Fall semester.

- A. Each Assistant Elections Commissioner shall report to the Elections Commissioner. Assistant Elections Commissioners may choose the members of their departments with approval from the Elections Commissioner.
- B. The Elections Department staff shall be chosen by the Assistant Elections Commissioners through an application process once the spring semester begins.
- D. A roster of the Elections Department Staff shall be made public and shall be updated following any changes before and during the official campaign period.

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

- A. No Election Commissioner or Assistant Elections Commissioner shall be affiliated with or support in any way any candidate's campaign, directly or indirectly, except by exercising their individual right to vote.
- B. No Elections Commissioner or Assistant Elections Commissioner shall hold office (elected or appointed) during the current year in which they were hired or during the newly elected candidates' term of office.
- C. No Elections Department staff member shall be affiliated with or support in any way any candidate's campaign, directly or indirectly, except by exercising their individual right to vote.
- D. Elections Department Staff may advertise on behalf of ASASU elections.
- E. Violation of this section (10-1.3, A-C) shall result in the immediate removal of the offending staffer by the Council of Presidents.

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

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

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

1. Each week, the Elections Commissioner must hold 8 in-office hours and allocate 5 hours for appointments, for a total of 13 hours.
2. Each week, the Assistant Elections Commissioner must hold 5 in-office hours and allocate 5 hours for appointments, for a total of 10 hours.

## 10-2: COMPLAINTS AGAINST THE ELECTIONS COMMISSIONER, ASSISTANT ELECTIONS COMMISSIONER, OR DEPARTMENT

10-2.1 All complaints against the USG Elections Commissioner, Assistant Elections Commissioner, or Department must be submitted via the corresponding online form, and will be reviewed and arbitrated by the Supreme Court.

- A. If the Elections Department violates the process for any complaints against candidates or the Department itself, the case is not simply dismissed at the discretion of the Department. Rather, the Supreme Court shall review and hear the evidence and render a decision.

10-2.2 Notice of a complaint and subsequent hearing information, if requested, shall be given to all parties concerned within two (2) business days of the complaint being filed. The Supreme Court shall render a decision within five (5) business days of this notice being given.

10-2.3 In the event that a complaint is filed against a member of the Elections Department, the information contained in the complaint is privileged to the complainant, Elections Department and the Supreme Court until the Supreme Court renders a decision. The disposition of the complaints will be made public when the Supreme Court issues a decision.

10-2.4 If it is found that any staffers of the Elections Department, including the commissioner and assistant commissioners, violated any clauses of this Elections Code, they shall be subject to incurring violation points in the same manner as candidates, at the discretion of the Supreme Court. If an Elections Department Staffer incurs 9 violation points, they shall be removed from office by the Council of Presidents by order of the Supreme Court.

- A. If the Elections Commissioner is dismissed, the Assistant Elections Commissioners shall vote among themselves one of them who is willing and able to carry out the duties of the office for the remainder of the term.
- B. If an Assistant Elections Commissioner is dismissed from their duties, the Elections Commissioner, in coordination with the Council of Presidents can decide whether or not to hire another individual to fill the vacant position.



## 10-3: ELECTIONS CODE

10-3.1 This document shall supersede all other elections-related rules except for the USG Constitution and each location's respective USG Bylaws. Applicable University Policy, the ASASU Constitution and each location's respective USG Bylaws shall take precedence over any provisions in this Elections Code if there shall be a discrepancy in provisions contained in either.

## CHAPTER 11 - COURT ADJUDICATION

11-1 A candidate has the right to appeal a decision by the Elections Department to the Supreme Court via the appropriate online form. The candidate has two (2) business days after a decision is issued to appeal. After two (2) business days, the candidate loses this right.

11-2 The final decision regarding the disqualification of a candidate or interpretation of the USG Elections Code is reserved for the Supreme Court.

11-3 If a Supreme Court has not been established by the candidate application availability date, then the Chairs of the Government Operations Committee for each locations' respective Senates shall comprise the Supreme Court. If a chair is a candidate, they shall recuse themselves from adjudicating any cases that affect their race.

## CHAPTER 12 -VIOLATIONS OF THE ELECTIONS CODE

### 12-1: ENFORCEMENT OF PENALTIES

The Elections Department will assess and enforce all penalties unless a case is appealed to the Supreme Court. In the latter case, the Supreme Court shall assess and enforce all penalties by upholding or turning over the decision of the Elections Department

### 12-2: CLASSIFICATION OF VIOLATIONS

12-2.1 Violations shall be classified as follows:

Level One Violations shall include:

1. Unlawful removal of campaign materials
2. Failure to abide by the provisions in Campaign Conduct (See Chapter 5)
3. Failure to abide by provision in Posters (See Chapter 6)

Level Two Violations shall include:

1. Campaign Conduct in libraries and computer labs (See Chapter 5-1.8)
2. Failure to abide by provisions in Solicitation (See Chapter 5-4)
3. Failure to abide by the Neutrality provision (See Chapter 5-5)

4. Obstructing the Elections Department in the discharge of departmental duties (Chapter 6-2.4+)
5. Failure to abide by provisions in Other Campaign Materials (6-2).
6. Failure to abide by provisions in Campaign Expenses Accounting (See Chapter 7-1)
7. Failure to abide by provisions in Campaign Expenses Reporting (See Chapter 7-2)

Level Three Violations shall include:

1. Failure to abide by provisions in Campaign Spending Limits (See Chapter 7-3)
2. Failure to attend the mandatory candidates' meeting (See Chapter 2-3.1)
3. Falsification of paperwork required by the Elections Code
4. Aiding a USG member in fraudulent voting
5. Destruction of campaign/non-campaigning materials
6. Setting up an unauthorized polling location (See Chapter 6-2.4)
7. A blatant violation of the Student Code of Conduct as explained in Chapter 8-10.

#### 12-3: PENALTIES OF CLASSIFICATIONS

The penalties for the three classifications are as follows:

12-3.1 Level One (1) will result in three (3) points per infraction.

12-3.2 Level Two (2) will result in six (6) points per infraction.

12-3.3 Level Three (3) will result in candidate disqualification.

12-3.4 The application of the above penalties is mandatory if it is deemed that a violation did occur.

#### 12-4: DISQUALIFICATION

12-4.1 Accumulation of nine points or conviction of a Level Three Violation shall result in the disqualification of the candidate/ticket.

12-4.2 All cases that result in disqualification shall automatically be referred to the Supreme Court for final adjudication regardless of whether a candidate waived their right to appeal as articulated in Chapter 11-2

#### CHAPTER 13-GLOSSARY

Altering: modifying a sign or poster from its original state.

Advertising: any non-verbal campaigning or promotion of the ASASU election.

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

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

ASASU/USG sponsored event: any event implemented or funded by ASASU/USG.

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

Campaign materials: any items or services including, but not limited to, posters, signs, leaflets, t-shirts, buttons, handbills, websites, or any other advertising promoting a candidate or ticket that is created with the intention of soliciting votes, as well as any other materials interpreted in Chapter 7. Note: as soon as wearables such as t-shirts, buttons, etc are given to somebody to wear, they shall no longer constitute "campaign materials".

Physical Campaign Materials: Any physical materials or in person services used and/or provided with the intention of soliciting votes including, but not limited to, posters, signs, leaflets, t-shirts, buttons, or handbills

Virtual Campaign Materials: Any online materials or services used, provided, or published with with the intention of soliciting votes including, but not limited to, websites, online chat rooms, group chat services, online promotional services, emails, online service subscriptions, and social media posts owned and/or affiliated with a campaign

At-Large: a senator that runs to represent the entire student body independent of a college.

Campaign staff/volunteer: any person(s) listed on the Campaign Staff Roster form for each candidate or ticket.

Campaigning: any public action including signs, posters, websites, scheduling of speaking engagements, or other activities interpreted in 9-5.1 that are not protected by the written exceptions, initiated by either a candidate or a member of his/her campaign staff to persuade members of the student body to vote for or against a candidate(s), initiatives, referendums.

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

Chalking: the use of chalk, paint, or other medium to mark or otherwise alter Arizona State University property. [Chalking excludes the posting of signs or hanging of posters.]

Debate: a discussion between two or more candidates for the purpose of informing the electorate of their respective platform.

Defacing: spoiling or marring the appearance or surface of a sign, poster, or online campaign materials owned by a candidate.

Defendant: the person against whom any complaints are filed with the elections department.

Destroying: irreparably defacing campaign material.

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

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

Duration: the Election Period as determined by the Elections Department.

Endorsement: publicly expressed support or approval of a candidate or candidate ticket.

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

Falsification: the act of making false by altering or adding to. Flyer shall mean any stationary or printed material up to the size of eight and one half inches by eleven inches (8.5" X 11") that is displayed or distributed anywhere on campus.

Fraudulent: marked by, constituting, or gained by fraud.

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

Negligence: not taking prudent care or failing to take due caution.

Non-Campaign Materials: Any physical or virtual materials that are not affiliated with any campaign but are the property of a candidate, campaign staffer, Elections Department staffer, or any other individual involved with the elections including, but not limited to, cars, school supplies, houses, furniture, and personal belongings.

Obstruct: the covering of any poster that covers another over one-fourth of an inch (1/4").

On-campus: any property owned, operated, or recognized as University affiliated property.

Off-Campus: any property that is not defined as on-campus.

Plaintiff: the party that institutes complaints before the elections department.

Poll Worker: any USG member assigned to work at a polling site.

Plurality: a receiving more votes than any other while not necessarily a majority

Poster: any stationary or printed material greater than the sizes of eight and one half inches by eleven inches (8.5" x 11").

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

Proxy: one who acts as a substitute for another.

Public polling station: any voting location officially sponsored by the USG Elections Department.

Residential floor: a hall, floor, or common room/laundry room associated with a specific floor that students reside in. Note: This includes the actual residential halls (Cereus, Cottonwood, etc.) in Barrett but not the Honors Hall or the Dining Hall.

Run-off Election: An election held between two or more candidates or executive tickets after a general election has already occurred in which such candidates in the run-off were included in the general election due to a discrepancy in results, violation of election integrity, or any other reason deemed necessary to force a second election.

University building: any building both owned by the university and operated by university staff or faculty.

USG member: any undergraduate student enrolled in Arizona State University.

Violation: any infringement of the rules.

Violation of Continuing Nature: An infringement of the rules governing USG that when violated promotes an active harm to another candidate, their campaign, or the integrity of the elections code even after the action considered to be the violation occurred.

Voting cycle: the 48-hour period in which students cast their votes in the ASASU elections.