

# A Statute of Duke Student Government Establishing the Election Rules and Procedures for Spring 2023

*Be it ordered by the Attorney General of Duke Student Government:*

## **Section 0: Definitions**

As used in this statute:

1. **Appeal** refers to the process of requesting a decision by the BOE and/or AG be reversed by the DSG Judiciary.
2. **At-Large** means the process to determine Senators via Selection Committee as defined in the DSG Senate By-Law.
3. **Bribery** is any tangible incentive, reward, or payment offered to an individual or group in exchange for votes or other tangible campaign benefit. Campaign promises of policy or action after the election should not be considered bribery.
4. **Defamation/Slander** refers to any false statement or claim that may cause reputational damage to another individual.
5. **Designated area** means any area expressly permitted for a given use by Duke University policy.
6. **Election** means a designated period of voting for members of Duke Student Government applicable to the Duke Student Government Election By-Law.
7. **Electronic Signature** means the first name, last name, and NetID of an undergraduate student provided with the knowledge and consent of the student.
8. **Flyer** means any handheld, printed election material that can be either hung up or distributed.
9. **Harassment** is defined per the Duke Community Standard as unwelcome conduct that is so severe, persistent, and/or pervasive that it alters the conditions of education, employment, or participation in a program or activity, thereby creating an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive.
10. **Joint Campaign** refers to a campaign where campaign monies are spent promoting more than one candidate.
11. **Petition** documentation notifying the AG of an election violation.
12. **Poster** larger than handheld, printed election material that is typically hung up or displayed.
13. **Public location** refers to any area on Duke University campus that is readily accessible to more than 20 members of the Duke community.

14. **Respondent** means the defendant in any claim of wrongdoing filed with the Judiciary, AG, or other applicable Duke Student Government representative and/or body.
15. **Soft Launching** any attempt by a candidate to launch their campaign before the campaigning period begins. This includes inferring your candidacy to your general public in any regard.
16. **Tampering** is interfering with any campaign materials so as to subvert the integrity of the electoral process.

### **Section 1: General Timeline and Campaign Schedule - Spring 2023**

Filing, campaigning, and balloting shall occur on the following timeline:

1. Election of DSG Vice Presidents, Senators, and Class Council:
  - a. To apply to be a candidate through the election process, one must submit an application packet on DukeGroups and complete with the electronic signatures of 50 students through [the link provided by the AG](#) no later than March 27 at 11:59 p.m ET. [This link](#) will become available on March 10 at 12:00 pm ET can be found on the Duke Student Government Website under the Elections tab.
    - i. To qualify as a write-in candidate, candidates need to have received at least as many ballots as the numbers of signatures required for the petition for the role.
  - b. The campaign period begins March 29, 2023 at 12:00 pm ET and ends on April 6, 2023 at 12 pm ET.
  - c. Voting will occur from April 5, 2023 at 12:00 p.m. ET to April 6, 2023 at 12:00 p.m. ET.
  - d. To qualify as a write-in candidate, candidates need to have received at least as many ballots as the numbers of signatures required for the petition for the role.

### **Section 2: General Campaign Rules**

The following rules shall apply to all candidates and affiliates during campaigning. Failure to comply with the rules outlined below will result in a violation.

1. Candidates shall follow all applicable national and state laws, regulations, and university policies (e.g. Duke Community Standard).
  - a. Any student or candidate found defaming a candidate shall be directed to the Office of Student Conduct and Community Standards (OSCCS) for community standard violations.
2. Candidates shall not violate any rule or right contained within the Election By-Law and election rules and procedures.
3. Candidates shall not engage in bribery, tampering, or other severe misconduct in violation of the Duke Community Standard or the law.

4. All campaigns are subject to the Duke University Policy on Prohibited Discrimination, Harassment, and Related Misconduct
5. No joint campaigns among candidates.
6. No candidate shall disseminate any obscene content.
7. No candidate shall harass or threaten another candidate.
8. Any candidate who knowingly encourages another individual to engage in prohibited campaign action shall be held personally liable (e.g. ordering someone to take down another candidate's campaign materials). Any candidate who **knows of** another individual's intent or plan to engage in prohibited campaign action but makes no good faith attempts to prevent these actions will also be held personally liable.
9. All campaigning must follow the Duke Community Standard poster policy
10. Candidates shall only apply spray paint or chalk on surfaces expressly designated for that purpose and in accordance with University policy (e.g. painting the East Campus bridge is allowed, but chalk on the BC plaza is not allowed).
11. Candidates may not participate in in-person electioneering efforts that direct students who are eligible to vote to voting pages (e.g. it is prohibited to hand someone an iPad and say "Vote for me"). Any other type of electronic usage by candidates is permitted so long as it doesn't contradict the digital content clause (Section 5 Clauses 3 and 4)
12. Candidates may not offer any giveaways or goods to students during their campaign.
13. No food or baked goods shall be allowed for campaigning purposes (e.g. it is prohibited to pass out hot chocolate in KVille)
14. Candidates cannot begin campaigning prior to the official campaigning period. Campaign language includes using "DSG" or position titles (i.e. "Senator", etc) AND the candidate's name AND with the intent to solicit votes. This includes "soft-launching" one's campaign. This does not apply to candidates collecting signatures to file candidacy.

### **Section 3: Campaign Budgeting**

The following rules shall apply to campaign expenditures and budgets:

1. A candidate's expenditures and thus reimbursement shall not exceed \$100 for President and Executive Vice President, \$50 for Committee Vice Presidents, and \$25 for Senators. Items purchased for the campaign will be reimbursed by the DSG Treasurer.
2. For each item in a candidate's campaign, expenditures will be calculated as such:
  - a. If the item was purchased for the campaign, candidates will be reimbursed and the expenditure will be calculated as the actual cost to the candidate as written on the receipt (tax included).
  - b. If the candidate already owns the item or does not possess a receipt, this item may not be reimbursed but will still count towards the candidate's expenditure. The

expenditure will be calculated as the lowest reasonable market price of the good or professional service used by the campaign available to a typical Duke student without additional discounts, gifts, or special relationships. Candidates should submit an estimate, to be approved by the Board of Elections.

3. Staples, adhesives, and similar materials used to post flyers, posters, and/or similar materials will not be counted as expenditures.
4. Each candidate shall disclose all expenditures substantiated by receipts, proofs of payment, or estimates to the DSG Treasurer and DSG Attorney General no later than one hour after polls close. Candidates who do not abide by this deadline will be subject to disciplinary action as outlined by Section 8 of this document. Both the Treasurer and Attorney General will maintain these records for a week after election results are released.
  - a. Should a candidate go over budget, they must disclose this to the AG and will be docked votes in the final round of IRV at the rate of one vote for every \$0.05 over budget.
5. All budgets, proofs of prices, and updates shall be made available to any Duke student upon request and may be challenged under Section 9.
6. Write-in candidates may incur expenditures up to the same maximum authorized budget and are responsible for submitting budgets within 48 hours of polls closing if elected, but will not be reimbursed for any expenditures.
7. Candidates cannot pay students to be a part of their campaign.
8. No candidate shall solicit or accept financial support from any student or student organization.
9. No candidate shall combine budgets.

#### **Section 4: Campaign Materials**

The following rules shall apply to all flyers, posters, and similar campaign materials:

1. Flyers may not be e-printed. They must be printed commercially with a receipt.
2. No candidate shall remove or deface any other candidate's materials or intentionally post anything to cover another candidate's materials in whole or part.
3. Flyers may only be posted in designated areas such as roundabouts and bulletin boards. Flyers and posters must be posted in accordance with the Duke Community Standard.
4. Any tabling on the Bryan Center Plaza must be in accordance with Campus Life tabling guidelines.

#### **Section 5: Campaign Correspondence**

The following rules shall apply to campaign correspondence:

1. The AG must not use priming language when opening the polls to the undergraduate body. Any violation of this statute may be appealed to the Judiciary.
2. No candidate shall harass any person through unsolicited physical or electronic campaign-related correspondence.
3. Candidates and their supporters may not use Duke University-sponsored means of communication (e.g. email listservs, Sakai, DukeGroups, student organization's official email account etc.) to share messages other than general election reminders which regard all candidates equally.
4. Candidates may not post campaign materials in student organization group chats that serve as the organization's primary method of communication.
5. Candidates may post personalized messages of support on forms of communication through which others may respond, such as GroupMe, Facebook, or Instagram. We encourage candidates and their supporters to use "Support me" or "I am supporting X" language instead of "Vote for" or "I am voting for."
6. No candidate shall place any correspondence on or under a student's door.

#### **Section 6: Endorsements**

1. Due to feasibility, no endorsements shall be solicited for the Vice President, Senator, and Class Council Elections.

#### **Section 7: Board of Elections—Certification of Petitions, Budgets, Results**

The Board of Elections (BOE) shall comprise of the AG and 6 other students.

1. The AG nominates 6 senators for the BOE, which are then confirmed by the Senate.
2. Any person serving on the BOE may be removed at any time by the AG.
3. The BOE shall help the President, Executive Vice President (EVP), and President Pro Tempore coordinate the election process as stated in the Executive By-laws.
4. All members of the BOE must remain completely campaign neutral (e.g. not endorse any candidate, serve as campaign manager, etc.).
5. The BOE shall ensure that the AG encourages the student body to vote without specifically endorsing any candidate or advocating for a particular issue as stated in the Election By-Laws.
6. The BOE shall initially rule on the validity of petitions and budgets and will determine appropriate penalties for violations as described in Section 8 and 9.
7. The BOE shall make all petitions and budgets available to any undergraduate student on request.

#### **Section 8: Violations**

Candidates that violate any rules and procedures outlined herein shall be subject to review by the BOE, who together will determine an appropriate penalty based on the scale of the violation. The penalties will scale as follows and are determined by the BOE:

A. Penalties

1. Level 1 - Warning
  - i. Directed towards offenses that can be easily fixed (e.g. posting campaign material in the wrong place) and if necessary taken down.
  - ii. Consequences of a level one offense will result in either a verbal or written notification from the Board of Elections.
2. Level 2 - Deduction of Vote and/or Campaign Suspension
  - i. Directed towards offenses that gives an unfair advantage or harms another candidate (e.g. using a listserv to send campaign materials or taking a candidate's campaign material down).
  - ii. Consequences of a level two offense may result in actions such as a deduction of votes, campaign suspension, and/or freezing of a candidate's campaign account. The duration of the suspension and number of votes docked will be adjudicated by the Board of Elections.
3. Level 3 - Disqualification
  - i. Directed towards offenses that cause irreversible harm to another candidate or jeopardizes the legitimacy of the election and its results (e.g. defamation or coercing votes especially via a position of power).
  - ii. Consequences of a level three offense will result in a candidate being disqualified from the election.
  - iii. Candidates accused of a level three violation will receive a written notification from the Attorney General. The candidate will have an opportunity to submit evidence to the Attorney General through email. Upon receiving a response from the accused candidate, the Attorney General and the Board of Elections will deliberate and render a decision within 24 hours.

**Section 9: Adjudication Procedure**

All violations and irregularities in petitions and budgets shall be investigated as follows:

1. Any undergraduate student may submit a formal petition describing a potential violation. Petitions may be withdrawn by the filer of the petition at any point before the BOE renders a final decision.
  - a. For the election of the President and Executive Vice President, petitions must be submitted to the AG within 24 hours of the closing of polls.

- b. For the election of the DSG Vice Presidents, Senators, Class Presidents, Class Vice Presidents, and First-Year Senator elections, petitions must be submitted to the AG within 12 hours of the closing of polls.
2. For all elections, should undergraduates wish to submit a petition in the corresponding window, they must notify the AG of their intent to file a petition within 1 hour of the polls closing.
3. Upon receiving a petition, the AG must inform all undergraduates named in the report within 12 hours. Those respondents have 24 hours to respond once informed of the petition unless in extenuating circumstances, described in writing to the AG.
4. Any decision of the BOE deemed arbitrary, capricious, or otherwise an abuse of discretion may be appealed to the Judiciary.
5. The respondent may admit to the allegation or submit a written rebuttal emailed to the AG.
6. By the end of the respondent's reply period, the BOE will have 24 hours to deliberate and come to a decision based on a preponderance of the evidence. Results will be communicated through email to all applicable students at the end of the BOE's deliberation time frame.
7. Disqualification may only be imposed by the AG on a finding of clear and convincing evidence of a serious offense. Disqualification may be appealed to the Judiciary by the candidate found responsible on any grounds.

---

*Introduced by Attorney General Nellie Sun on March 8, 2023*

If applicable, passed by the DSG Senate on *March 8, 2023*.

*Devan Desai*

---

*Devan Desai, Executive Vice President*

Certified by the Executive Vice President on *March 8, 2023*.

*Lana Gesinsky*

---

*Lana Gesinsky, President*

Signed by the DSG President on *March 8, 2023*

From the Duke Community Standard:

**POSTERS, ANNOUNCEMENTS, AND BULLETIN BOARDS**



The following is a checklist of procedures with reference to the posting of notices on university bulletin boards, building doors, containers, light posts, trees, and sidewalks:

- Posters/flyers must provide information regarding student activities, give information of an academic nature, make announcements pertinent to the business of the university, or supply information to members of the Duke community regarding available campus services or products.
- Posters/flyers must state the name of the sponsoring organization, business, department, or person responsible.
- As appropriate for the surface, staples, thumbtacks, magnets, masking tape, or transparent tape may be used to attach posters/flyers to approved bulletin boards or posting areas. The use of glue, nails, and duct tape or any other heavy-duty tape is prohibited.
- Posters/flyers must never be attached to doors, windows, trashcans, entryways, exteriors of buildings, interior walls, stairway railings, floors, benches or ceilings, nor may they be placed on the windshields of parked automobiles or on sidewalks.
- Posters/flyers may NOT be attached or affixed to any tree or utility pole.
- Posters/flyers (and the fasteners used to attach them) must be removed within three days after the advertised event.
- All posters/flyers may be periodically removed from bulletin boards as part of routine maintenance.