

Introduced to Senate Floor on November 21, 2019.



## ASUCD SENATE BILL #16

Authored by: DESHPANDE

Co-authored by: Hurst

Introduced by: Internal Affairs Commission

Recommended by: Internal Affairs Commission.

Do Pass as Amended, 5-0-2 on  
November 19, 2019. Yes: Barneond,  
Cooney, Chheda, Lo, Tan. Abstain:  
Garcia, Kulkarni.

An ASUCD Senate Bill to introduce crucial regulations with respect to ASUCD elections.

**BACKGROUND:** The Fall 2019 election proved the limitations of chapter 4 in several ways. Candidates abused loopholes to run false campaigns or coerce voters with no real accountability. There were also a number of logistical failings due to the last-minute nature of the elections preparation. And most significantly, the lack of an Elections Committee Chair had thrown the integrity of the election into question.

This bill seeks to introduce crucial elections reforms so that the Association does not fall into any similar crisis again in the future.

Section 1. The ASUCD Senate hereby amends Section 400(C)(1) of the ASUCD Bylaws as follows:

### **400. PURPOSE & TERMINOLOGY**

**C. Ballot Measure:** any initiative placed on the ballot of an ASUCD Election. There are two (2) types of Ballot Measures:

- (1) **Legislative Ballot Measure:** a measure that has proceeded through the legislative process and is placed on the ballot by a majority vote of the ASUCD Senate, ~~prior to the third week of the fall, winter, or spring quarter of that academic year.~~ Any legislative ballot measure, once passed by the ASUCD Senate and signed by the President, shall be placed on the ballot prior to the beginning of the General Election voting period.

Section 2. The ASUCD Senate hereby amends Section 401(A)(5) of the ASUCD Bylaws as follows:

### **401. DUTIES OF COMMITTEE**

- A. In addition to the responsibilities enumerated in Section 205(B), the Elections Committee is responsible for running each election cycle in an impartial manner by performing the following duties:

(5) The Elections Committee shall be responsible for scheduling all post-election onboarding training for newly elected senators in collaboration with the Senate President Pro Tempore and the Internal Vice President.

Section 3. The ASUCD Senate hereby amends Section 402(B)(2) of the ASUCD Bylaws as follows:

#### **402. CALENDAR & TIMELINE**

##### **B. Elections Timelines:**

(2) **Special Elections.** ASUCD Special Elections shall be conducted on a Tuesday and Wednesday after the requisite number of signatures has been verified, or by a two-thirds (⅔) vote of the ASUCD Senate. After consulting with the party who collected the requisite number of signatures to hold a Special Election, or after a two-thirds (⅔) vote of the ASUCD Senate, the dates of the Special Election shall be determined by the Elections Committee and publicly released no later than three (3) academic days after the signatures have been verified, or after the vote by the ASUCD Senate has been passed.

i. If the requisite number of signatures, defined as at least eight percent (8%) of the ASUCD membership, has been verified, the Special Election for any ballot measure approved through the process specified in Article V Section 2 (3)(a) of the ASUCD Constitution shall follow within two (2) academic weeks.

Section 4. The ASUCD Senate hereby amends Section 403(B)(4) of the ASUCD Bylaws as follows:

#### **403. CANDIDACY CRITERIA**

##### **B. Process for Declaring Candidacy**

(4) Aggie Studios shall be responsible for taking photos and campaign videos of all candidates in ASUCD Elections, as well as recording any public forum event held by the Elections Committee.

i. In the event that Aggie Studios is unable to schedule photos for candidates running for elected positions, the candidate must submit a headshot to the Elections Committee. This headshot must comply with regulations set by Aggie Studios and Creative Media.

ii. All candidates running for an elected position must provide a professional headshot in compliance with Bylaw 404(F)(6) of this chapter.

Section 5. The ASUCD Senate hereby amends Section 403(B)(5) of the ASUCD Bylaws as follows:

#### **403. CANDIDACY CRITERIA**

##### **B. Process for Declaring Candidacy**

(5) Any candidate wishing to use a preferred name in lieu of their legal name may do so using a preferred first name only. Candidates may not omit or alter their legal last name.

Section 6. The ASUCD Senate hereby amends Section 404(C) of the ASUCD Bylaws as follows:

#### **404. CAMPAIGN FINANCE**

##### **C. Platform Flyers**

- (1) The Elections Committee shall provide all candidates running for Senator, External Affairs Vice President, and Student Advocate positions, as well as all Recall or Ballot Measures, up to fifty (50) pages of four (4) quarter sheet platform flyers on letter-sized paper each. Candidates running for the Executive ticket shall be provided one hundred (100) pages of four (4) quarter sheet platform flyers per ticket. ~~campaigns up to five hundred (500) copies of one (1) platform flyer on letter-sized paper.~~ The platform flyer must include, but is not limited to, the official ASUCD Election website as announced at the mandatory candidate workshop, the dates of the election, the candidate's name and the office for which the candidate is running (or the Recall or Ballot Measure campaign's name and stance). ASUCD Elections Committee must inform all candidates of proper flyer disposal (recycling) of unused and post-election flyers. The procedures for printing copies shall be determined by the ASUCD Elections Committee and shall be announced to all candidates for office.

Section 7. The ASUCD Senate hereby amends Section 404(E) of the ASUCD Bylaws as follows:

#### **404. CAMPAIGN FINANCE**

##### **E. Public Forum/Event**

- (1) The Elections Committee shall sponsor at least one (1) public candidate debate ~~and at least one (1) Ballot Measure forum/event per ASUCD Election, unless no Ballot Measures will be on the ballot or pro/con have agreed not to conduct.~~ The Elections Committee may also sponsor an optional forum/event for Ballot Measures, subject to the discretion of the Ballot Measure proponents and the Elections Committee. All participants of the spending agreement and all ballot fee initiatives and referendums shall be given an opportunity to participate in any public forums or events at no charge.

Section 8. The ASUCD Senate hereby amends Section 404(F)(6) of the ASUCD Bylaws as follows:

#### **404. CAMPAIGN FINANCE**

##### **F. Donations & Expenditures**

- (6) Copyrighted material shall not be used by any campaign unless the candidate or a campaign agent owns the work, has a license to use the work, or is allowed to use the work under fair use, subject to the interpretation the Elections Committee which may prohibit the use of the work if they determine it may mislead, misinform, or otherwise conflict with the ability of the voters to make an informed decision. Any costs to acquire a license to use a copyrighted work for a campaign shall be included in campaign expenditures. "Work" for the purpose of this section shall be defined as utilizing any intellectual property subjected to copyright. Any candidate or campaign in violation of this subsection and Bylaw 403(B)(5) in this chapter shall be assessed two (2) violation points for each work, and subject to referral to Student Judicial Affairs.

Section 8. The ASUCD Senate hereby amends Section 406(A) of the ASUCD Bylaws as follows:

#### **406. REGULATIONS, COMPLAINTS, VIOLATIONS, & PENALTIES**

##### **A. Regulations**

- (1) **Posting**
- i. All campaigns are required to abide by the University of California, Davis Posting Policy and Student Housing Posting Policy. The Elections Committee, after receiving a complaint of a candidate's violation of University and/or Student Housing Policy including, but not limited to, spamming, solicitations in residence

halls and prohibited posting/distribution of campaign materials, will notify Student Judicial Affairs and/or Student Housing of the violations as needed.

- ii. A violation of the Posting Policy shall result in one (1) to three (3) violation points depending on the severity of the violation, given at the discretion of the Elections Committee.

**(2) Endorsements**

- i. Any ASUCD member or registered student organization may endorse a candidate, Ballot Measure, or Recall campaign. Endorsements shall be filed by completing an endorsement form provided by the Elections Committee. A copy of the written list of supporters must be filed with the Elections Committee one (1) academic day prior to the use of the endorsement.
- ii. Any campaign that uses a list of supporters in any advertisement, poster, leaflet, or other campaign material paid for by the election fund without prior written approval of any listed supporter by the Elections Committee shall be assessed one (1) campaign violation point per falsely listed supporter.
- iii. The Elections Committee shall publicly release a list of endorsements for each campaign filed.
- iv. The following restrictions on endorsements apply to all campaigns. Any campaign who violates this section shall be assessed one (1) violation point per offense:
  - a. No ASUCD Unit Director may endorse a campaign for any candidate running for an elected position.
  - b. No ASUCD Unit may make any public statements regarding any campaign for any candidate running for an elected position unless written approval is given in advance by the Elections Committee.
  - c. No campaign for any candidate running for an elected position may use the endorsement of or make or approve any campaign message implying endorsement of any ASUCD Unit (with the exception of *The California Aggie* and KDVS).
  - d. An individual ASUCD appointee or employee may publicly endorse a campaign but may only use their title as listed in the ASUCD Budget or the ASUCD Bylaws.
  - e. No campaign may use the endorsement of any career employee of ASUCD or any person or organization outside of ASUCD.
  - f. No campaign may use the endorsement of a Judicial Council member, Elections Committee member, Creative Media employee, the Student Advocate or any other official responsible for the fair and impartial enforcement of the ASUCD Election Bylaws, except in the case that the aforementioned official elects to be recused from all issues related to the election in which the member endorses a campaign.

**(3) Voter Intimidation**

i. No candidate or ballot/recall measure proponents shall intimidate, threaten, coerce, or make any attempts to intimidate, threaten, or coerce any ASUCD member to vote for or not vote for any candidate or ballot/recall measure. No candidate or ballot/recall measure may force the immediate vote of any member, nor shall they necessitate the member's vote in exchange for an action, service, or any other tangible benefit to the candidate or ballot/recall measure.

Candidates shall be assessed one (1) violation point for each instance of attempted or successful intimidation, threat, or coercion.

ii. No candidate or ballot/recall measure proponent may utilize their own electronic devices such as smartphones, laptops, or tablets to facilitate the voting of any member of ASUCD. Candidates shall be assessed one (1) violation point for each instance of attempted or successful vote facilitation.

iii. No candidate or ballot/recall measure proponent shall actively campaign within one hundred (100) feet of a computer lab. The Elections Committee shall define specific zones that may be exempted from this regulation and shall notify candidates of this exemption at the beginning of the elections, as well as on the Elections website. Computer labs shall be defined by the UC Davis campus. Candidates shall receive (1) violation point per offense. Any non-candidate in violation of these rules will be removed from the premises and subject to referral to the Office of Student Support and Judicial Affairs (OSSJA).

### **(3) Computer Labs**

- ~~i. Any campaign actively campaigning inside or within 100 feet of any computer lab on campus, including departmental computer labs and residence hall computer labs, shall receive one (1) violation point per offense. Any non-candidate in violation of these rules will be removed from the premises and subject to referral to Student Judicial Affairs.~~

Section 9. The ASUCD Senate hereby enacts Section 407(D) of the ASUCD Bylaws as follows:

## **407. SPECIAL ELECTIONS, BALLOT MEASURES, AND FEE REFERENDA**

### **D. Emergency Elections Committee**

- (1) The purpose of the Emergency Elections Committee is to ensure the smooth functioning of an ASUCD Election in the absence of the Elections Committee specified in this chapter. The Emergency Elections Committee will be comprised of members within ASUCD. In the event that an Elections Committee has not been hired to run an imminent election, the Emergency Elections Committee shall adopt all functions and abide by all restrictions of the Elections Committee, as specified in Section 205 and this chapter of the ASUCD Bylaws. All members of the Emergency Elections Committee must recuse themselves from any business that pertains to partisan participation in the elections process. The Emergency Elections Committee will consult with Creative Media regarding marketing materials, management of the Elections website, and ensuring candidate resources are provided in a timely manner. They will also consult with the ASUCD Business Manager. The membership of the Emergency Elections Committee shall be outlined in subsection (2) of this section.

#### **(2) Membership**

- (a) The ASUCD Student Advocate shall serve as Chairperson of the Emergency Elections Committee.
- (b) The SGAO Office Manager shall serve as the Vice Chairperson of the Emergency Elections Committee.
- (c) The Business and Finance Chairperson shall review candidate Expenditure Forms, and ensure that they have not exceeded their limit, as outlined in Section 404 (B) of the ASUCD Bylaws.
- (d) The Internal Affairs Chairperson shall serve as a member of the Emergency Elections Committee.
- (e) The remaining five (5) members of the Emergency Elections Committee shall comprise of commission members from the Internal Affairs Commission and the Business and Finance Commission, as determined by the respective Internal Affairs Commission Chairperson and Business and Finance Commission Chairperson.

- (3) The Emergency Elections Committee shall exercise all duties of the Elections Committee in a fair, impartial and unbiased manner.

Section 10. The ASUCD Senate hereby amends Section 409 of the ASUCD Bylaws as follows:

**~~409. ELECTIONS COMMITTEE & EVALUATIONS~~**

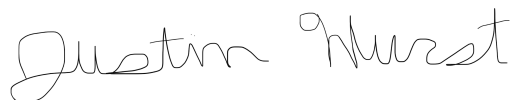
- ~~A. All campaigns and ballot/recall measure coordinators shall submit an Elections Committee evaluation form at the end of each election cycle to the Senate President Pro Tempore. The Elections Committee shall provide the evaluation form to all candidates. All submissions shall be anonymous.~~

Finance: No

Appropriation: None

Vote: Majority

DO PASS AS AMENDED, 10-0-2, BY A ROLL CALL VOTE OF THE ASUCD SENATE ON NOVEMBER 21, 2019. YES: BARAK, CHEN, CHOI, ESTRADA, KAUR, KUMAR, LANDRUM, RODRIGUEZ, SANCHEZ, SPINOGLIO. ABSTAIN: RUIZ, SCHMEDEL.



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Justin Hurst  
ASUCD President

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Date 11/22/19