



CHAPTER 5: ELECTION CODE

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II. Chapter Overview

- A. Purpose

1. This Chapter seeks to establish and regulate Elections for ASBSU. It outlines the procedures for conducting Elections, and it also provides the rules that all Candidates must follow to ensure Elections are fair.

B. Definitions

Good Standing: A student is considered in good standing if they have resolved any acts of academic or behavioral misconduct and the student has complied with all sanctions imposed as a result of any misconduct.

Campaign Materials: Any physical or electronic item that is publicly available or distributed to promote a Candidate or Team, especially to people who are unfamiliar with the Candidate(s)

Campaign Staff: An individual or group of individuals working to help elect a Candidate or Executive Ticket.

Campaigning: Any public action that promotes a Candidate, Ticket, or Team, especially to people who are unfamiliar with the Candidate, Ticket, or Team.

Candidate: Any qualified student who seeks election to a position in ASBSU.

Election Packet: Distributed to interested Candidates. Includes the application for Candidacy, Elections Code, important dates, a job description of the position, all relevant regulations, and any other documents chosen by the Elections Manager.

Executive Ticket: Any two qualified students who seek election to the position of ASBSU President and Vice President. Both members of an Executive Ticket are considered Candidates. For the purposes of this chapter, a Ticket refers solely to an Executive Ticket.

Regular Elections: These occur during the spring semester and elect the ASBSU President and Vice President, the Associate Vice Presidents, Senators, and the Review Board Chief.

Special Election: Elections held to address specific pressing issues, including, but not limited to, filling vacant positions, voting on a Referendum, or voting on Constitutional Amendments. Special Elections are generally understood to follow the same guidelines as Regular Elections.

Referendum: When ASBSU presents an issue to the student body for a vote. Issues may include but are not limited to changes to the ASBSU Constitution, pressing University or community matters, etc.

Qualified Voter: Any member of the Associated Students, as defined in Article I of the ASBSU Constitution, is qualified to vote. Depending on a voter's status (e.g. membership in a particular Academic College/School or membership in Greek life), they may be qualified to vote for certain positions but not others.

Team: A group of two or more Candidates choosing to Campaign together. A Team is distinct from an Executive Ticket, as Candidates on a Ticket are required to declare their candidacy jointly. A Team includes the Campaign Staff of the Candidate(s).

Term of Office: Each elected member of ASBSU will serve from the date they are sworn in until their successor assumes office, approximately one (1) year later.

Violation: Any action taken by a Candidate or Team which violates or goes against this Code.

Request for Review: A written request by any Student to the Associate Vice President of Ethics Affairs asking them or their delegate to formally investigate a certain aspect of the Election to determine if misconduct may have taken place. At the conclusion of the investigation, the findings shall be released to the requester along with a recommendation of whether or not to file a complaint. A Request for Review and its associated results do not supersede or displace the Complaints process.

III. Elections Manager

A. The Elections Manager is appointed by the ASBSU President to see that Elections are publicized, efficient, and effective under the guidelines of this Code. The Elections Committee is composed of the Elections Manager and the four (4) Review Board members. If a member of the Review Board is unable to serve, a replacement may be appointed by the Elections Manager. If the Elections Manager determines that additional personnel are needed to effectively administer elections, they may appoint any students who are not candidates for an election and are not members of a Candidate or Ticket's team to the Elections Committee.

B. The Elections Manager is responsible for:

1. Preparing and distributing Election packets
2. Making reservations
3. Holding optional information sessions while packets are available
4. Formally recognizing Candidates and Teams
 - a. This will consist of the following:
 - i. Approval of Election Packet
 - ii. Posting information regarding candidates and teams on the ASBSU Website
 - iii. Invitation to the Candidate Debate(s)

5. Maintaining Candidate information online during the campaigning period
6. Providing Campaign Materials for Candidates as defined in this Code
7. Taking necessary measures to ensure Elections adhere to this Code
8. Communicating Election guidelines to all necessary parties/departments on campus.

C. All questions pertaining to this document and Election packets will be directed to the Elections Manager and/or the Associate Vice President of Ethics Affairs.

D. If the Elections Manager holds any other position within ASBSU outside of their Elections Manager position and commits conduct worthy of intervention by the Review Board within their position as Elections Manager, any punitive action and or sanction can only be applied to them in their capacity as Elections Manager, and may not carry over to the other position.

IV. Qualifications and Declaration of Candidacy

A. Qualifications

1. To be included on the ballot and to qualify for election, a Candidate must be a member of the Associated Students who meets the qualifications for office as outlined in Article I of the ASBSU Constitution.

B. Declaration

1. Election Packets

- a. Candidates will be required to turn in complete Election Packets by a certain date, as specified by the Elections Manager and the packet itself, in order to be placed on the ballot.
- b. These packets include an application for candidacy, which requires (at a minimum) the name, student ID number, contact information, and expected graduation date of a potential Candidate.
- c. Candidates who do not meet this deadline may still turn in a packet (which will not require petition signatures) and campaign as a Write-In Candidate.

2. Candidates are encouraged, but not required, to attend an informational meeting. Candidates are responsible for the content of informational meetings even if they do not attend.

3. All Candidates declare their candidacy individually, with the exception of Candidates for President and Vice President who declare candidacy jointly as an Executive Ticket.

4. In order to be placed on the ballot, each Candidate will ask Qualified Voters for a signature, which may be electronic or physical, showing support for the Candidate. All signatures will be verified by student ID number by professional staff. A student may sign multiple different petitions for the same position. The amount of signatures required for each elected position is as follows:

a. President & Vice President: 50 signatures (total)

b. All other positions: 25 signatures (total)

5. A candidate may withdraw from their candidacy by submitting a written statement in person or over email, along with their student identification number, to the Elections Manager and/or Associate Vice President of Ethics Affairs. This may occur before the election results are finalized. If a candidate withdraws too late for their name to be removed from the ballot, and said candidate wins, the candidate with the next highest votes will be granted the position.

V. Campaign Guidelines

A. Modification and Adherence to Guidelines

1. Additional guidelines can be provided by the Elections Manager provided they are not in violation of this Code.

2. No modifications of Election Code, or modifications to any Code chapter, which will significantly impact the manner and conduct of campaigns and/or elections, may be made during the period from the first week of March until annual spring elections have concluded and the election results have been certified.

3. All Candidates must adhere to all ASBSU governing documents and election guidelines.

B. Campaigning

1. Personal conversations, in any form, are not considered Campaigning and cannot be regulated by ASBSU.

2. Campaign Materials are required to be submitted to the Elections Manager only when the materials use ASBSU supplies or funds. ASBSU-funded Campaign Materials may be censored if they are discriminatory in nature based on Article I of the ASBSU Constitution.

3. If an Election Packet is not approved or denied within Two (2) business days, a complaint may be filed with the Associate Vice President of Ethics Affairs.

4. A Candidate or Ticket may have campaign staff. Individuals within the campaign staff may receive compensation for their work, subject to regular limits on campaign finance outlined in this Code.

a. Campaign staff are a direct extension of the Candidate or Ticket and staff members are subject to all guidelines, rules, regulations, and Code, as they pertain to the Election. Furthermore, if any misconduct arises as a result of action taken by a member of the campaign staff, the Candidate or Ticket may be held liable in lieu of the campaign staff member and may be subject to the appropriate sanctions as determined by the Review Board.

b. Clarifying Example: if the campaign staff of a Candidate offers a voter food in exchange for a promise to cast a vote for the Candidate, that Candidate may be subject to sanction.

5. A Candidate or Ticket may campaign together with one or more other Candidates in a Team, as defined in section II.B of this Code.

a. For this chapter, campaigning with another candidate on a Team is treated as an endorsement of that candidate, and is subject to all rules and restrictions pertaining to endorsements elsewhere in this Code.

b. Candidates choosing to campaign with a Team are not assumed to be liable for misconduct arising from action taken by another Candidate on their Team, or that Candidate's Campaign staff. If the Candidate took part in, had advance knowledge of, or directed the actions in question, they may be held liable in addition to the perpetrators of the misconduct.

C. When to Campaign

1. The Elections Manager will specify the date when Candidates declare their candidacy and begin campaigning. This date must be at least two (2) weeks prior to the date of the election.

2. Candidates who enter a race after this date may begin campaigning once their Election Packets have been approved by the Elections Manager.

D. Where to Campaign

1. Academic buildings: Campaigning is acceptable in academic buildings, but it must not take place in the classroom during instruction times or otherwise disrupt classes that are in session. Campaign Materials may be posted only on public bulletin boards and in department offices with proper approval by the department.

2. Policies regarding the Student Union Building, Recreation Center, and University Housing will be determined by the respective departments. Documentation of these policies will be provided to Candidates in Election Packets.

a. These policies must treat all candidates equally. Clarifying Example: Either all candidates are allowed to campaign in specific buildings, or no candidates are allowed to campaign there.

4. ASBSU Meetings: Candidates will not announce or promote their candidacy or their intent to pursue candidacy during a meeting of any ASBSU Body.

5. Student Organizations: Candidates are encouraged to contact Student Organizations and get permission from them to Campaign at a Student Organization meeting. Student Organizations are not required to grant permission to any Candidate.

6. Additional guidelines from Facilities Operations & Maintenance will be provided to Candidates.

E. Communication

1. All election communication must abide by the relevant University policy.

2. Candidates are permitted to contact the officers of Student Organizations.

3. Social media communication, including but not limited to academic group chats and email threads, social media platforms, or any other area where one might reasonably presume social interaction in a virtual space is taking place, must follow the same guidelines as any other form of Campaigning. If a piece of communication is in question, a Request for Review may be filed with the Associate Vice President of Ethics Affairs.

F. Campaign Endorsements and Use of Official Resources in Campaigns

1. Candidates, Tickets, and Teams will not falsify endorsements.

2. ASBSU will not endorse any Candidate, Ticket, or Team.

3. Paid ASBSU officials will not publicly endorse any Candidate, Ticket, or Team.

a. Clarifying Example: An Executive member will not announce publicly that they are endorsing a candidate. As mentioned above, personal conversations cannot be monitored by ASBSU, and therefore are not public endorsements.

4. Paid ASBSU Officials who are a Candidate for election may publicly endorse another Candidate, Ticket, or Team.

5. Paid ASBSU Officials will not, within or without the course of their duties as an official, use the powers, privileges, or resources of their position to benefit or hinder any Candidate, Ticket, or

Team.

a. Clarifying Example: The Elections Manager may not disclose election dates or other information to one Candidate or potential Candidate before publicly releasing that information to all students.

b. If the Review Board finds that a Paid ASBSU Official is in violation of this section, the penalty must be impeachment from office; the normal discretion granted to the Review Board to determine appropriate sanctions does not apply. If these officials are also Candidates for election, the penalty must be immediate disqualification from current and future elections.

c. A Candidate, Ticket, or Team which benefited from the assistance of a Paid ASBSU Official will also be subject to sanction, up to and including disqualification from election.

6. Current ASBSU Members are allowed to be Candidates and are allowed to Campaign for themselves or for another Ticket or Team, subject to the restrictions in this section and elsewhere in Code. However, their Campaigning must not interfere with their official duties as a member of ASBSU. The Associate Vice President of Ethics Affairs will ensure their duties are fulfilled and no conflicts of interest will occur.

a. Clarifying Example: If a Review Board member is running for an elected position, they cannot rule on a complaint against their opponent for the position they are seeking.

G. Campaign Finances

1. Candidates in Regular and Special Elections must, to the best of their ability, report all campaign finance information three times: first, one week prior to the first day of voting, second, the business day before the first day of voting, and third, after voting concludes. Additionally, the Elections Manager may request campaign finance information from a particular Candidate or Ticket at any point in an election. Candidates will have forty-eight (48) hours to submit this information following a request by the Elections Manager.

2. The campaign finance report must include the following:

a. Amount of money spent, by the Candidate/Ticket or by others, on Campaign Materials or for the purpose of Campaigning, and the specific expenditure (i.e. posters, candy).

b. Amount of money donated and the name(s) of the donors. This includes in-kind donations for which the approximate dollar value will be recorded.

c. Date the donation is received as well as the expenditure date of said donation.

3. Executive Tickets will have a spending cap of \$1,000 for an election. All other elected positions will be capped at \$500. Expenses relating to t-shirts and apparel, trophies and gifts, travel and professional development, and any other in-kind donation or expense (approximate dollar value) will contribute towards this cap.

VI. Election Procedures

A. Format

1. All elections will be held online. Provisions may be made for paper ballots in the case of an emergency.

B. Ballots

1. The Elections Manager is responsible for administering the online voting process with Student Involvement and Leadership Center Advisors serving as support. The Elections Manager is permitted to hire/utilize computer experts if they determine it is needed.

2. Each ballot will contain all offices for which a given student is a Qualified Voter.

a. For President and Vice President; all Associate Vice Presidents (except the Associate Vice President of Greek Affairs); At-Large Senators; and the Review Board Chief, a Qualified Voter is any member of the Associated Students.

b. For the Associate Vice President of Greek Affairs, a Qualified Voter is any member of Greek Life in good standing with his or her chapter.

c. For all Senate positions (except At-Large Senators), a student is a Qualified Voter for the Senate position representing any and all colleges in which he or she is a member. All of the Associated Students are Qualified Voters for At-Large Senators.

i. Clarifying Example: If a student is a member of the College of Health Sciences, College of Business, and the Honors College, she is qualified to vote for a Senator from all three of those colleges, so all three races will appear on her ballot for Senate elections.

3. Candidates and Tickets will provide a headshot and short biography (maximum of 100 words) for the ballot. Biographies must abide by all relevant sections of the Constitution, Code, Student Code of Conduct, and State/Federal law. If a biography violates any of these, it will not be approved by the Elections Committee.

4. Candidates and Tickets may indicate a Team affiliation, which will be reflected next to their name on the ballot.

C. Voting

1. Voters will be able to view everything on the ballot without having to vote at that time.
2. Online voting will follow a Ranked-Choice Voting system. Each voter will rank the candidates or tickets in order of preference on the ballot.
3. Any proposed Constitutional revision or amendment will be clearly indicated on the ballot. It is at the discretion of the Constitutional Convention members to decide whether each change will appear as an independent voting issue or if changes will appear as one voting issue.
4. Any effort to falsify voting is subject to disciplinary procedures through the Associate Vice President of Ethics Affairs and the Review Board. (See Judicial Code)***
5. Qualified Voters may not allow someone else to vote for them by proxy.
6. If it is discovered that online voting has been altered or tampered with, the Elections Manager or ASBSU President will take immediate action to correct the problem. If election results have been compromised, new dates for the Election will be set by the Review Board and the Executive Cabinet, excluding members who are candidates.
7. If any Candidate is disqualified or resigns from office within one month of the conclusion of an Election, the Candidate with the next highest number of votes will assume office. If one member of an Executive Ticket is disqualified or resigns in this time frame, the entire Executive Ticket is removed from office and the Executive Ticket with the next highest number of votes will assume office.
8. In no way can items or money be given in return for a vote.

D. Tabulation of Votes

1. Online votes will be tabulated by noon the day following the last day of polling and announced as soon as possible unless prevented by extenuating circumstances.
2. The Candidate or Ticket receiving a majority of votes for that office is elected to said office.
3. Requests for recounts must be filed within two (2) school days of the announcements of unofficial results. Any associated cost will be paid by the petitioner(s) unless otherwise authorized by a two-thirds (2/3) vote of the Elections Committee and Executive Cabinet, excluding members who are candidates, or unless the recount proves to be in favor of the petitioner(s). Recounts will occur within three (3) school days of the authorization of the request.

4. Recounts will be conducted and paid for by ASBSU when the margin of victory is less than one (1) percent of the total number of votes cast.

5. Election results will be unofficial until certified by the ASBSU President, Elections Manager, Review Board Chief, and Associate Vice President of Ethics Affairs.

E. Notification of Results

1. Certified results will be publicly posted online and sent to the University President, all Vice Presidents, Deans, and the University News Service.

F. Ties

1. In the case of an exact tie between candidates or tickets, a meeting will be convened between each of the tickets, the Elections Manager, and one advisor. The candidates or tickets must come to a decision on whether or not they would like to proceed with a 24-hour runoff election or a coin flip administered by the Elections Manager in front of all of the candidates or tickets running. If, at the end of the meeting, no decision has been reached, then by default the 24-hour runoff is selected.

2. If, at the end of the 24-hour runoff, a second tie emerges, then a coin flip will be administered to determine the winner.

VII. Handling Violations

A. All violations will be handled by filing a Complaint with the Associate Vice President of Ethics Affairs.

B. Any University student, faculty, or staff member may file a Complaint when he or she believes a Candidate, Ticket, or Team has violated this Code.

1. A complaint regarding election misconduct must be filed within 2 business days of the close of voting. Complaints filed in the eligible time frame will be handled by the Review Board. Candidates will be subject to all sanctions, including disqualification if the Review Board determines a violation has occurred.

C. The following punishments are available when the Review Board determines a Candidate has violated this Code:

1. Disqualification

2. Revoking the use of any available ASBSU resources

3. Requiring the removal of posted campaign materials, including the deletion of web content

4. Fining the Candidate, Ticket, or Team only if ASBSU had to pay for the Violation.

D. Any Candidate, Ticket, or Team who receives a punishment may file an appeal as outlined in Judicial Code V.G.

E. Any Candidate, Ticket, or Team may also file a Complaint against current ASBSU Personnel for violating Election Code.