

THE DUKE STUDENT GOVERNMENT

ELECTION BY-LAW

Be it enacted by the Senate of Duke Student Government (DSG):

TITLE I. GENERAL PURPOSE AND FUNCTION

SECTION 1: Purpose

The Election By-Law shall be used as a guide for all elections and inaugurations conducted by the Duke Student Government (DSG), along with the Election Rules and Procedures.

SECTION 2: Functioning and Responsibilities

1. In addition to the responsibilities outlined in the DSG By-Laws and those associated with representing DSG in litigation, the DSG Attorney General (AG) shall be the primary officer responsible for the design, implementation, and supervision of all DSG elections.
2. The Board of Elections (BOE) shall be convened to ensure that all election rules and procedures are followed.

SECTION 3: Conflicts of Interest:

The following stipulations must be maintained to prevent conflicts of interest:

1. The AG and members of the BOE may not serve on the Judiciary, run for any elected office, endorse a candidate for election, or act as a member of any candidate's campaign.
2. If any of the aforementioned members infringe upon any of the mentioned conflicts of interests, they must recuse themselves from the BOE, and their seat shall be refilled by another undergraduate student upon confirmation of the Senate.
3. If any of the aforementioned members maintain a relationship with any candidate currently running for election, they shall disclose this relationship in advance of the first Board of Elections meeting in the election season and recuse themselves from any

relevant discussion and decision-making concerning the candidate.

- a. If any of the member(s) maintain an intimate relationship with any candidate currently running for election, they shall be removed from the Board of Elections and replaced by another undergraduate.
 - b. Intimate relationship includes but is not limited to: roommate, family member, and current and / or former romantic ties.
4. The AG and BOE must remain completely campaign neutral by not endorsing any candidate or campaign or advocating for specific issue(s).
5. All information distributed by the AG and BOE regarding elections should be clear of priming language.

TITLE II. ADMINISTRATION OF ELECTIONS

SECTION 1: Election Rules and Procedures

The Senate shall pass a statute establishing Election Rules and Procedures once per semester. The proposed statute shall be reviewed by the Senate Judiciary Committee in consultation with the AG and BOE, and should include but is not limited to:

1. A campaign schedule with a timeline for the filing, campaigning, and balloting of all elections;
2. General campaign rules all candidates and affiliates during campaigning must adhere to;
3. The permitted campaign expenditures and budgets candidates may utilize for each type of election
4. An endorsement policy;
5. The roles and responsibilities of the AG and the Board of Elections (BOE);
6. Prohibited campaign conduct, types of violations, and associated penalties;
7. An outline of the adjudication procedure;
8. Any other relevant rules and procedures deemed appropriate by the Senate, provided that they do not conflict with this By-Law.

After the statute is adopted, it should be published on the DSG Website promptly.

SECTION 2: Communication of Election Rules

1. Links to or attachments of this By-Law and the Election Rules and Procedures shall be provided through a student-body-wide email prior to each election by the current-term AG.
2. Links to or attachments of this By-Law and the Election Rules and Procedures shall be provided again by the AG specifically to all qualified candidates.
3. The AG or designee thereof shall hold a mandatory election rules and proceedings meeting for candidates in each election. Failure to attend the meeting or to attend the makeup session would disqualify the candidate from running for election.

SECTION 3: Referendum Procedures

The referendum registration process shall operate along the same timeline as the DSG senatorial and presidential elections. Any individual or group who wishes to have a referendum question placed on an election ballot must satisfy the following requirements:

1. The question must obtain the majority approval of the Senate, or a 2/3 majority in case of an amendment to the DSG Constitution.
2. The question must obtain the signatures of 15% of the enrolled undergraduate student body. Petitions must contain each signer's printed name, signature, and such other verification as a statute shall direct. The full referendum question must be stated at the top of each page of each petition.

TITLE III. CANDIDACY

SECTION 1: Eligibility to Run

Eligibility to run for election can be determined as follows:

1. All undergraduate students attending Duke University are eligible to run for DSG Senate or Executive offices.
2. Candidates for class offices must be a member of the class for which they are running, determined by the Duke Internal Directory in consultation with the DSG Advisor.
3. Visiting students, including Duke Kunshan students, are eligible if they will be enrolled on the Durham campus the term of which they are seeking office and the entire term of the office for which they are running.

SECTION 2: Declarations of Candidacy

All undergraduates interested in filing for candidacy should adhere to the following rules in order to qualify for election:

1. All candidates must file a declaration of candidacy with the AG in the format specified by the AG and by the date stipulated in the Election Rules and Procedures.
2. Undergraduates interested in declaring candidacy for the following office positions must submit their declaration of candidacy with the following number of signatures (with such verification as a statute shall direct) of undergraduates on a petition supporting their candidacy:
 - a. President: no fewer than one hundred (100) signatures.
 - b. Executive Vice President: no fewer than seventy-five (75) signatures.
 - c. Vice President: no fewer than fifty (50) signatures.
 - d. Senator: no fewer than twenty-five (25) signatures from their respective class year.
3. Students may sign more than one candidate's petition.
4. Candidates may sign another candidate's petition, given there is no joint campaigning.
5. The BOE will release the names of all candidates who qualified for the election.

SECTION 3: Write-In Candidates

In lieu of the procedure in Section II, individuals may choose to run as a “write-in” candidate for any election with the following stipulations:

1. Write-in candidates must adhere to the limitation on campaign spending and all other campaign rules even though they will not receive reimbursement for campaign expenditures.
2. 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.

TITLE IV. CAMPAIGNING

SECTION 1: Campaign Violations

Any violations of the elections rules shall be investigated and punished as set forth in the Election Rules and Procedures, with the understanding that:

1. Any undergraduate may submit a formal petition describing a potential violation to the AG within 2 hours after the polls close.
2. Petitions will be investigated by the BOE, which will communicate results to all applicable students at the end of the deliberation time.
3. Students may appeal BOE decisions to the Judiciary, should they deem the decision arbitrary, capricious, or otherwise an abuse of discretion.

SECTION 2: Reimbursement

Candidates must follow all rules applying to campaign expenditures and budgets as specified by the Election Rules and Procedures and send proper documentation of expenditures to the DSG Treasurer by 1 (one) hour after polls close in order to be eligible for reimbursement. The details of how budgets and receipts must be filed along with how reimbursements work will be further specified to candidates by the AG and the DSG Treasurer.

TITLE V. VOTING AND INAUGURATION

SECTION 1: Voting Eligibility

Eligibility to vote can be determined as follows:

1. All undergraduate students attending Duke University are eligible to vote for DSG Elections.
2. Undergraduates must be a member of the class to vote for class-specific offices.
3. Visiting students, including students from Duke Kunshan University, are eligible to vote on the same standing as Duke students from their class standing, on the basis of their payment for the student activities fee.

SECTION 2: Balloting Procedure:

The AG will conduct the balloting procedure in cooperation with university administrators as follows:

1. Voting will be open for at least 12 hours and will utilize the instant runoff voting (IRV) method of election.
2. The hours of voting shall be specified in advance in the Election Rules and Procedures:
 - a. The AG may extend the voting period by up to three additional hours for special circumstances with written justification.
 - b. Further extensions or rescheduling of the election, may be made only by the Judiciary to remedy an otherwise irreparable breach of procedure, or by the Senate in exceptional circumstances preventing students from voting.

SECTION 3: Determination of Election Outcome

1. The winner of each election shall be determined by the IRV mechanism.
2. In the case of a tie that cannot be resolved by IRV, a runoff election shall be held between the tied candidates one week after the initial election.
3. The AG shall determine and certify the results of the election with the DSG Advisor after the final deadline to file complaints regarding election violation has passed and all complaints filed have been resolved.
4. Any candidate may appeal this certification to the DSG Judiciary based on perceived

inconsistency with DSG By-Laws.

SECTION 4: Inauguration

1. DSGPresident and Executive Vice President will undertake a public inauguration ceremony within the semester they are elected prior to the last week of class, after all election proceedings and hearings conclude. They will assume their duties, and the terms of the preceding administration will terminate immediately upon the inauguration of the next President.
2. All other elected positions will be inaugurated by the current Chief Justice following the inauguration of President and EVP. Following inauguration, all elected officers will assume their duties, and the terms of the preceding administration will terminate immediately upon the inauguration of the next president.

TITLE VI. ENACTMENT AND EFFECTS

SECTION 1: Ratification

1. This By-Law shall be enacted when ratified by at least two-thirds of the Senate voting in favor of the proposed changes.

SECTION 2: Enactment

1. This By-Law shall be effective immediately. The previous Election By-Law is hereby repealed, and any By-Law, Statute, policy, or practice in conflict with this By-Law is hereby declared null and void..
2. Upon enactment of this By-Law, the present By-Law of the Duke Student Government shall be amended throughout by substitution of this By-Law therefore.

