

# A Statute of Duke Student Government Establishing the Election Rules and Procedures for Spring 2024

*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 Board of Election (hereafter referred to as BOE) and/or Attorney General (hereafter referred to as AG) be reversed by the Duke Student Government (hereafter referred to as 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 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** refers to 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 1 candidate.
11. **Petition** is defined as the documentation notifying the AG of an election violation.
12. **Poster** is defined as any 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 twenty (20) members of the Duke community.
14. **Respondent** means the defendant in any claim of wrongdoing filed with the DSG Judiciary, AG, or other applicable Duke Student Government representative and/or body.
15. **Soft launching** refers to any attempt by a candidate to launch their campaign before the campaigning period begins. This includes inferring the candidate's candidacy to the 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**

Filing, campaigning, balloting, and referendum(s) shall occur on the following timeline:

1. For the election of Duke Student Government President, Executive Vice President, Vice President, and Senator office positions, candidates shall:
  - a. To apply to be a candidate through the election process, one must submit the required electronic signatures for registration as stipulated in the Election By-Law of the appropriated academic semester. For Spring 2024, DSG positions require the following number of signatures:
    - i. President: no fewer than one hundred (100) signatures.
    - ii. Executive Vice President: no fewer than seventy-five (75) signatures.
    - iii. Vice President: no fewer than fifty (50) signatures.
    - iv. Senator: no fewer than twenty-five (25) signatures from their respective class year.
  - b. The DukeGroups registration link opens on February 19, 2024 at 12:00 p.m. ET. Registration must be submitted through this link, using the signature submission [template](#), at no later than March 8, 2024 at 11:59 p.m. ET.
  - c. All candidates will be expected to attend a mandatory information session on March 19, 2024 at 8:00 p.m. ET. The information session will discuss major election rules and address any applicable questions.
  - d. The campaign period begins March 20, 2024 at 12:00 p.m. ET and continues during the voting period.
  - e. All Duke undergraduates will receive an email and the link to vote from the AG on March 27, 2024 at 12:00 p.m. ET. The election voting will occur from March 27, 2024 at 12:00 p.m. ET to March 28, 2024 at 12:00 p.m. ET.
  - f. 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.
  - g. Budget shall be submitted to the AG and DSG Treasurer within 1 hour after the closing of polls.

2. Specifically for the election of Duke Student Government President, the candidate(s) shall participate in a presidential debate open to all Duke students on March 21, 2024 at 5:30 p.m. ET. The AG may work with the presidential candidate(s) to reschedule the debate to another time on the day, should the candidate(s) present extenuating circumstance(s) preventing them from participating in debate.
  - a. The presidential debates serve as an opportunity for the candidates to share their policy agenda and stances on topical issues facing the Duke undergraduate student body.
  - b. The presidential debate shall proceed in the following manner:
    - i. The AG will open the presidential debate with a brief introduction of the election at hand, the background of the candidate(s), and the rules and procedures of the presidential election.
    - ii. The background of the candidate(s) shall be provided by the candidate to the AG in advance.
    - iii. Following the opening by the AG, each candidate has sixty (60) seconds to provide a position statement on their key policy agenda, with the order of response determined by a coin toss (if two candidates) or a six-faced die toss (if more than two candidates). If the order is stipulated by a die toss, each candidate shall choose an integer between one to six, and the candidate with the integer closest to the tossed number shall have the privilege of first response. If the integer(s) chosen are within the same proximity to the tossed number, then a coin tossed shall be utilized again to determine the order.
    - iv. In each segment, AG will ask a lead question on topical issues facing the Duke undergraduate student body.
    - v. The order of first response shall carry onward from the position statement, and the candidate(s) will take alternate turns answering the questions as the first response.
    - vi. Once a question is asked, the first candidate has two (2) minutes

to answer the question. After the first candidate's answer, the second candidate also has two (2) minutes to provide a response to the same question. If there are more candidates, the order flows on with the same allowance of time.

- vii. After the candidate(s) present their statement on the question, the AG will ask the other candidate(s) if they wish to present a rebuttal, which will then be followed by ten- to sixty-seconds rebuttal(s) per interested candidate, for a maximum of three (3) rebuttals per candidate.
- c. The questions asked of the presidential candidate shall consist of two categories:
  - i. Questions coming from the Duke undergraduate student body;
  - ii. Questions determined by the AG in consultation with the Board of Elections and the DSG Advisor to complement the Duke student body questions.
- d. The AG will send out a survey soliciting presidential debate questions to all Duke undergraduates on February 19. The survey will close on March 19, 2023 at 11:59pm ET. The AG will then review and select a list of questions to be asked at the debate on March 21, 2023, with the specific subjects and questions determined in consultation with the Board of Elections and the DSG Advisor.
- e. For the candidates' preparation purpose, the AG will share a general bucket of items that they could expect to answer at the debate. The specific content of the questions are strictly confidential and will not be shared with anyone beyond the DSG Advisor and Board of Election, as stipulated above prior to the debates.
- f. Contingent on the number of presidential candidate(s) and the number of questions collected from the general student body, the presidential debate shall contain between five (5) to twenty-five (25) questions at the discretion of the AG in consultation with the DSG Advisor and the Board

of Elections.

- g. Following the questions, each presidential candidate has the opportunity to make a one-minute (1) closing statement.
  - h. An additional presidential debate shall be added should the number of presidential candidates exceed four (4).
  - i. A recording and a media release of the presidential debate will be made accessible to the general student body for viewing after the closing of the debate.
- 3. For the filing of referendum(s): Any individual or group who wishes to have a referendum question placed on an election ballot must satisfy the following requirements:
  - a. The question must obtain the majority approval of the Senate, or a 2/3 majority in case of an amendment to the DSG Constitution.
  - b. 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. The petition must be submitted to the AG by March 8, 2024 at 11:59 p.m. ET.
  - c. The AG shall validate or reject the petitions in consultation with the DSG Advisor and Board of Elections to notify the filing person(s) of the referendum registration status by March 19, 2024 at 12 p.m. ET.
- 4. The campaigning and voting on referendum(s) shall operate the same timeline as other office position elections. Namely:
  - a. Registration for referendum opens on February 19, 2024 and closes on March 8, 2024.
  - b. Campaigning for referendum opens on March 21, 2024 and continues until the closing of polls on March 28, 2024.

## **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, Duke University Policy on Prohibited Discrimination, Harassment, and Related Misconduct, Duke poster policy).
2. Any student or candidate found defaming a candidate shall be directed to the Office of Student Conduct and Community Standards (OSCCS).
3. Candidates shall not violate any rule or right contained within the Election By-Law and election rules and procedures.
4. Candidates shall not engage in bribery, tampering, or other severe misconduct in violation of the Duke Community Standard or the law.
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 has knowledge 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.
  - a. Knowledge includes any sign that demonstrates intent, awareness, recognition, or evidence of encouragement of the prohibited campaign action, including but not limited to written notes, text messages, conversation, electronic communications, and emails.
9. 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).
10. Candidates may not participate in in-person electioneering efforts that direct students who are eligible to vote to specific voting decisions (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 does not contradict the digital content clauses (Section 5 Clauses 3, 4, and 5).

11. Candidates may not offer any giveaways or goods to students during their campaign.
12. No food or baked goods shall be allowed for campaigning purposes (e.g., it is prohibited to pass out hot chocolate in KVille).
13. 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. Candidate's expenditures and reimbursements shall not exceed the following amounts:
  - a. President and Executive Vice President: \$100USD.
  - b. Vice President: \$75USD.
  - c. Senator: \$50USD.
2. Items purchased for the campaign will be reimbursed by the DSG Treasurer.
3. 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.
4. Staples, adhesives, and similar materials used to post flyers, posters, and / or similar materials will not be counted as expenditures.
5. Usage of e-print is strictly prohibited for receipting and reimbursement reasons.
6. 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 1 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 instant-runoff voting (IRV) at the rate of 1 vote for every \$0.05 over budget.

7. Write-in candidates may incur expenditures up to the same maximum authorized budget and must abide by the same expenditure rules as regular candidates, as stated in Section 3 Clause 4. Write-in candidates are responsible for submitting budgets no later than 1 hour after polls closing if elected but will not be reimbursed for any expenditures.
8. All budgets, proofs of prices, and updates shall be made available to any Duke student upon request and may be challenged under Section 7.
9. Candidates cannot pay students to be a part of their campaign.
10. No candidate shall solicit or accept financial support from any student or student organization.
11. 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 Duke Student Affairs' 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 DSG 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, Canvas, 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 group chats that are academically- or residentially-focused and were created by or with the involvement of professors, teaching assistants, resident assistants, or Duke employment roles of similar nature.
5. Candidates may not post campaign materials in student organization group chats that serve as the organization's primary method of communication of which the student cannot opt out of in order to maintain their membership in the organization.
  - a. Examples of primary methods include but are not limited to: 1) any channel of communication listed under the organization's DukeGroup page, 2) any other club official communication channels with more than twenty (20) members, including but not limited to group chat, email, or newsletter.
6. 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."
7. No candidate shall place any correspondence on or under a student's door.

## **Section 6: Endorsements**

The Presidential Debate will replace the private endorsement process as a more accessible, inclusive, and open public forum for dialogue between candidates, students, and organizations.

The new model of endorsement shall proceed as follows:

1. Following the Presidential Debate on March 21, 2024, Duke undergraduate student organizations and clubs may submit their endorsement decision, should they wish to do so, before March 25, 2024, at 12pm E.T. at noon..
2. The Chronicle shall process, validate, and publish the endorsement(s) in consultation with the AG on a rolling basis.
3. The presidential candidates and student organizations have the liberty to contact each other, should the organization(s) or the candidate(s) wish to provide or garner additional information to inform the endorsement decision(s).
4. In making the endorsement decision, student organization(s) are encouraged to decide on the endorsement through a democratic vote.
5. To avoid even the appearance of impropriety, members of the endorsing organizations with significant personal or professional attachments or associations with candidates are expected to remove themselves from the endorsement process for that position. This includes public or substantial participation in the campaign of any one individual. Any conflict of interest that would jeopardize a non-prejudiced review and consideration of a candidate should result in a recusal. If a member of an organization recuses themselves due to conflicts of interest with any one candidate for a position, that member may not participate in the endorsement process at all for that position. This includes asking questions in meetings with the candidates and writing the endorsement. Members of organizations who recuse themselves must be listed as having done so in the text of the endorsement letter.
6. Should the entire organization possess a close tie with the presidential candidate(s), the organization is required to either acknowledge the conflict of interest in the endorsement or recuse itself from the endorsement process altogether. A club-level conflict of interest includes but is not limited to the presidential candidate(s) serving on the current, former, or incoming executive board(s).



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

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

1. The AG nominates 6 (six) undergraduate students for the BOE, which are then confirmed by the Senate. Out of the 6 (six) members of the Board, 2 (two) shall come from within DSG, and the other 4 (four) shall come from the student body at-large.
2. The AG and DSG Advisor will lead a process to select members of the Board of Elections. The AG and DSG Advisor will solicit 2 (two) nominations from DSG internally and 4 (four) applications from the Duke undergraduate student body at-large, with particular attention paid to soliciting interests from identity/affinity groups. For the at-large positions, the application process shall proceed as following:
  - a. The application process consists of a written application and an interview.
  - b. The purpose of the new BOE structure aims to address the conflict of interest and accountability issues that have long plagued the Board in the past, and to create a more diverse, inclusive discourse in the design, implementation, and adjudication of the Student Government election processes.
  - c. Given the timeline of the Spring 2024 election, this new model of BOE will not be effective for the Spring 2024 election cycle but will commence in the Fall 2024 election cycle.
3. Any person serving on the BOE may be removed at any time by the AG. The Senate possesses veto power to overturn AG's decision of removal given a supermajority vote.
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 encourage 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 in consultation with the DSG Advisor:

### **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 1 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 give 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 2 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 3 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 twenty-four (24) hours.



### **Section 9: Adjudication Procedure**

All violations and irregularities in petitions and budgets shall be investigated in accordance with the following procedures:

1. Any undergraduate student may submit a formal petition describing a potential violation.
  - a. For the election of DSG offices and referendum(s), petitions must be submitted to the AG within 2 hours of the closing of polls.
  - b. Petitions may be withdrawn by the filer of the petition at any point before the BOE renders a final decision.
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 twelve (12) hours. Those respondents have twenty-four (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 DSG 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 twenty-four (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 DSG Judiciary by the candidate found responsible on any grounds.

*Annie Cui*

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Introduced by Attorney General Annie Cui on *February 21, 2024*

If applicable, passed by the DSG Senate on *February 21, 2024*

*Ashley Bae*

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*Ashley Bae, Executive Vice President*

Certified by the Executive Vice President on *February 21, 2024*

*Isaiah Hamilton*

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*Isaiah Hamilton, President*

Signed by the DSG President on *February 21, 2024*

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.







