

# **ASCSUS ELECTIONS CODE**

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The Elections Code sets forth the policies, procedures and rules for elections of the Associated Students of California State University, Sacramento (“ASI”). The following are the major sections and subsections of this Code.

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## DEFINITIONS

The following words, phrases, and abbreviations appear in this Code and are defined as stated below.

**“Active Campaigning”** shall mean distribution of campaign materials, making public speeches, displays, or demonstrations in support of or in opposition to any candidate or ballot measure. Active campaigning shall not include wearing a campaign T-shirt.

**“Agency”** shall mean an independent contractor entity that will serve as the Elections Agency for ASI.

**“Annual General Election”** shall mean the annual election of the ASI Board held in the Spring Semester of each year.

**“ASI”** shall mean the Associated Students of California State University, Sacramento, which is a California nonprofit public benefit corporation.

**“ASI Board”** shall mean the corporate Board of Directors of ASI.

**“ASI BYLAWS”** shall mean the corporate BYLAWS of the Associated Students of California State University, Sacramento.

**“ASI President”** shall mean the current president of ASI.

**“Board”** shall mean the corporate Board of Directors of ASI.

**“BYLAWS”** shall mean the corporate BYLAWS of the Associated Students of California State University, Sacramento.

**“Calendar day(s)”** shall mean any day of the week, including weekends, regardless of whether campus is open, closed or observing a university recognized holiday.

**“Campaign material”** shall be defined as any material that promotes the election of candidate or any election referendum/initiative. This includes, but is not limited to signs, badges, posters, tee shirts, flyers, balloons etc.

**“Campaigning”** shall mean distribution of printed matter (except for editorial material in student publications such as the STATE HORNET during the campaign period), publishing paid political ads in student publications, making public speeches, displays or demonstrations in support of or in opposition to any candidate or any ballot measure.

**“Candidate”** shall mean a student who has been deemed eligible and notified of such by the ASI Executive Director.

**“Clear and convincing evidence”** shall mean that the evidence presented by a party during a complaint or appeal is more highly probable to be true than not.

**“Code”** shall mean this Election Code

**“Collective of Candidates” (e.g. Slates)** shall mean any group of individuals that align themselves around commonalities such as a name, logo, a slogan, a platform, etc.

**“Committee”** shall mean the Elections Complaint Committee.

**“Computer Lab”** shall mean any campus-identified computer lab.

**“Council”** shall mean the Appellate Council.

**“Director”** shall mean a member of the Board.

**“Disqualify/Disqualification”** shall mean the previously eligible candidate is prohibited from further participation in the election process, including taking office if voted into office through the ASI election process.

**“Elections Officer”** shall mean the ASI staff member who works under the direct supervision of the Board Associate in collaboration with the Election Planning Group to plan and implement a successful ASI Election. The Elections Officer performs all duties in order to uphold the fairness and impartiality of the elections process.

**“Executive Officer”** shall mean the ASI President and all ASI Vice Presidents.

**“Fair market value”** shall mean an estimate of the market value of a property/service, based on what a knowledgeable, willing, and unpressured buyer would probably pay to a knowledgeable, willing, and unpressured seller in the market.

**“Final decision or order”** shall mean a decision or order that cannot be appealed.

**“Independent Candidate”** shall mean any candidate running for ASI office that has filed as an independent and is not associated with nor has filed as a Presidential Ticket or as part of a slate.

**“Ineligible/ineligibility”** shall mean an individual is no longer qualified to pursue candidacy or run for office for the given year’s election.

**“Interested person”** shall mean any member of the Sacramento State student body, faculty, staff or administration.

**“Interested Student”** shall mean the student who takes, or is given specific accountability for the management of an elections campaign that involves an election referendum or initiative as set forth in this Elections Code.

**“Logo”** shall refer to a symbol or emblem used to advertise a candidate’s campaign.

**“Officer”** shall mean an officer of the Board.

**“Official ballot”** shall mean a ballot obtained, marked and cast by a student voter after registering to vote at a polling place during the election.

**“Passive Campaigning”** shall mean the use of campaign material that promotes the election of candidates or any election referendum/initiative without seeking to obtain by persuasion, entreaty, or formal application an active response from a recipient(s), i.e. solicitation.

**“Preponderance of Evidence”** shall mean evidence presented that provides more convincement than the pre-existing evidence presented in an election complaint hearing or appeal hearing.

**“Presidential Tickets”** shall mean the partnership of one candidate running for ASI President and one candidate running for ASI Executive Vice President who have filed for candidacy as a Presidential Ticket and not as independents. The two candidates together are known as one ticket, and appear on the ballot jointly.

**“Professional labor”** shall mean a service provided by a member of a profession or any person who earns wages from a specified activity.

**“Receipt”** shall mean a written acknowledgement that a specified article, sum of money, delivery of merchandise or service has been provided. The receipt shall contain specifically what was provided in the transaction (e.g., product(s), service(s)), the name and phone number of the seller (store, vendor, or individual), and the cost of the deliverable(s).

**“SacLink account”** shall mean the students’ official email account assigned to them as an enrolled student as Sacramento State.

**“Sacramento State”** shall mean California State University, Sacramento.

**“Sample Ballot”** shall mean a copy or facsimile (written or electronic) of a ballot containing the names of candidates and other measures, if any, which will appear on the official ballot. Sample ballots are not to be cast or counted.

**“Serious violation”** shall mean the act of doing something that is not allowed by the ASI Elections Code, ASI BYLAWS, or any other pertinent law or rule that has an important possible outcome affecting the election.

**“Sign”** shall mean any stationary sign, banner or A-frame. A double-sided A-frame sign constitutes one sign. If used, support posts are included as a part of the sign.

**“Slogan”** shall mean any motto, catchphrase, or variations of words associated with a candidate’s campaign.

**“STATE HORNET”** shall mean the principal Sacramento State campus newspaper edited by students and circulated on the Sacramento State campus.

**“Student”** shall mean a current, regularly enrolled student registered at Sacramento State in at least one course for credit, excluding Open University and any extension course.

**“Verbal campaign”** shall mean persuasive speaking to prospective voters that promotes the election of a candidate.

**“Very serious violation”** shall mean the act of doing something that is not allowed by the ASI Elections Code, ASI BYLAWS, or any other pertinent law or rule that has a pronounced and potentially irreparable outcome affecting the election.

**“VPSA”** shall mean the Office of Vice President for Student Affairs at Sacramento State.



## **Article I. ELECTIONS CODE AUTHORITY AND INTENT**

The authority for this Elections Code is Section VIII of the Associated Students of California State University, Sacramento Inc. ("ASI") BYLAWS and relevant provisions of California law.

## **Article II. DUTIES AND RESPONSIBILITIES OF ELECTIONS AGENCY, ASI BOARD, ASI PRESIDENT, ASI EXECUTIVE DIRECTOR, ELECTIONS PLANNING GROUP, AND SACRAMENTO STATE VICE PRESIDENT FOR STUDENT AFFAIRS**

### **A. Duties of Elections Agency**

The Elections Agency ("Agency") shall:

1. Discharge all duties and perform all services specified in a written Agreement for Elections Services. The agreement for election services shall be developed in compliance with ASI BYLAWS and this Elections Code.
2. Conduct and certify all annual General/Special Elections under the authority of the ASI.
3. Maintain accurate and complete records for annual General/Special Elections, including but not limited to:
  - a. Names of candidates seeking each office;
  - b. All eligible votes cast and voter registration data;
  - c. A description of each referendum or initiative that has been submitted for election.
4. Work in conjunction with University Registrar's Office, ASI Executive Director, Information Resources and Technology (IRT) and Information Technology (IT) Manager to determine eligible voter pool.
5. Provide the ASI Executive Director (or designee) the results of the election as soon as possible after the close of voting.

### **B. Duties of ASI Board**

The ASI Board shall:

1. Select the Elections Agency at least sixty (60) calendar days prior to the elections.
2. Approve a contract for election services with an independent agency that will conduct the annual General/Special Election.

3. Approve the dates on which the annual General/Special Elections shall be held. The ASI Board shall also approve the dates during which the filing for candidacy period shall be held in accordance with the requirements of this Code. The ASI Executive Vice President shall announce the filing period and voting dates.
4. Approve any revisions to the Elections Code by a two-thirds (2/3) majority vote at least thirty (30) calendar days prior to the filing deadline.

C. Duties of ASI President

The ASI President Shall:

- a. Make a recommendation to the ASI Board for the approval of student members to the Elections Complaint Committee and the Appellate Council, if a vacancy occurs. In the event the ASI President is a candidate, the order of succession as prescribed in the ASI BYLAWS, Section VII.D shall be followed. None of those recommending may be running for office.
- b. Announce the names of election winners, unless the ASI President is a candidate. In the event that the ASI President is a candidate or unable to attend, the order of succession as prescribed in the ASI BYLAWS shall be followed unless no ASI Executive Board Member may attend. In the case that an ASI Executive Board Member may not attend, the ASI President, in mutual agreement with the ASI Executive Director, has the authority to designate a Board Member to announce the names of election winners that does not follow the order of succession. None of those announcing may be running for office.

D. Duties of ASI Executive Director

The ASI Executive Director or designee shall provide support, training, and facilitation of ASI Government Elections processes.

E. Duties of Election Planning Group (EPG)

At a minimum, the Election Planning Group (EPG) will be comprised of: Associate Director (Chair), Executive Director or designee, Elections Officer, IT Manager, and Marketing Manager of Student Engagement & Outreach. A Residence Hall Representative may be invited to participate.

1. Election Planning Group will provide recommendations to the Board for approval of:
  - a. Election Time Line

b. Election Agency

2. Election Planning Group will:

- d. Perform all duties in order to uphold the fairness and impartiality of the election process.
- e. Publicize and promote student elections in partnership with Student Engagement & Outreach A-Team members to maximize voter turnout. Have two marketing campaigns—one to Run for Office (conducted prior to the deadline for filing the Candidate Elections Application) and one To Vote.

3. Elections Officer, under the direction of the EPG Chair, will:

- f. Schedule and present Election Clinics in both the Fall Semester and early Spring Semester (prior to the deadline for filing the Candidate Elections Application) as part of the Campaign “To Run for Office.”
- g. Recruit, volunteers to work the ASI Polling Stations on campus after receiving official ASI volunteer forms.
- h. Schedule and organize, in consultation with Student Engagement & Outreach, events and outreach efforts that promote ASI elections, such as – ballot announcements, candidate forums, and other promotional events to encourage students to engage with the ASI elections.
- i. Ensure the development and on-line posting of the Voter Booklet, which shall be available no later than ten (10) calendar days prior to the Election.

#### 4. ASI Government Office

- j. Receive and maintain, Candidate Endorsement Letters, Campaign Expense Reports and, Complaint Deposits.
- k. Candidate Endorsement Letters and Campaign Expense Reports, filed by the candidates, must be available for review by any candidate or Interested Student. All students wishing to view the Candidate Endorsement Letters and Campaign Expense Reports must review the documents in the ASI Government Office and sign in and out during the review period. No photos or copies of documents shall be allowed.

#### F. Duties of the Office of the Sacramento State Vice President for Student Affairs

The Office of the Vice President for Student Affairs (“VPSA”) shall:

1. Review and approve the ASI Board’s recommendations for student appointments to the Elections Complaint Committee and Appellate Council in consultation with the ASI President and provide formal notification of approval to the ASI Executive Director.
2. Verify the eligibility of candidates with respect to residency and academic qualifications specified by the California State University Office of the Chancellor and ASI BYLAWS and provide the ASI Executive Director with verification of eligibility.
3. Be responsible for oversight of the activities of the Elections Complaint Committee and the Appellate Council.
4. Host a mandatory workshop for eligible candidates prior to the onset of the official campaign period.

### **Article III. PRE-ELECTIONS PROCEDURES**

- A. Announcement of Annual General/Special Election Schedule of Candidates Filing Period and Voting Dates.

The annual General/Special Election shall observe the following schedule:

1. The ASI Executive Vice President shall announce the dates of the filing period and the dates of the annual General Election no later than twenty-one (21) calendar days after the start of the Spring Semester;
2. The filing period shall be announced at least ten (10) calendar days prior to the start of the filing period. The filing deadline for candidacy and/or referendum/initiatives shall not be less than thirty (30) or more than one hundred and twenty (120) calendar days before the first day Directors are to be elected or the election is to be held. The filing period shall last for not less than fourteen (14) calendar days;
3. Voting dates and polling locations shall be announced to the campus community beginning no less than thirty (30) calendar days prior to start of the first day of voting.
4. There shall be a formal exploratory phase for prospective candidates beginning with the first mandatory ASI Elections Information Session hosted by the Executive Director. During this phase, interested students may collaborate, gather information, and assemble potential slates or campaigning teams. Exploratory activities such as clearly intended information gathering and team building in this phase shall not be considered campaigning.

**B. Sample Ballot**

Sample Ballots showing the formats and contents of official ballots shall be available for examination on the ASI website at least five (5) calendar days prior to the election.

**Article IV. CANDIDACY REQUIREMENTS**

**A. Residency and Academic Requirements**

1. Candidates must meet all residency and academic qualifications as described in the ASI BYLAWS and all qualifications specified by the California State University Office of the Chancellor in order to be an eligible candidate. Determination of whether a candidate has met said qualifications will be made by the VPSA.
2. There are three academic and residency eligibility determination periods for which a candidate must be eligible in order to serve in office:
  - a. Prior to the beginning of campaigning, a student must be deemed eligible by the VPSA in order to be an eligible candidate;
  - b. Prior to taking office, a student must be deemed eligible by the VPSA

on the date prescribed to take office in order to assume the office. This determination shall take into account the semester completed after the election has taken place;

c. After the completion of the first semester of the following academic year, a student must be deemed eligible by the VPSA to continue in office.

3. Students who are appointed to an office must have been able to meet all eligibility requirements (except filing candidate materials) at each of the previous determination periods in order to be appointed to office, as required by the ASI BYLAWS.

#### B. Filing for Candidacy

To file for candidacy, each applicant must complete a Candidate Elections Application from the official ASI Elections web site, then submit via JotForm.

Completed Applications must be submitted no later than the final filing date and time.

**Failure to submit on time will result in ineligibility to run for office. After the posted due date, all submissions are final and cannot be revised.**

An applicant will not be considered an eligible candidate to run for office until they have been informed of eligibility by the ASI Executive Director.

Election information shall be provided on the ASI web site, which shall include:

1. ASI BYLAWS
2. ASI Elections Code
3. Fair Hearing Plan (Appendix I of Elections Code)
4. CSU Policy for Qualifications for Student Office Holders
5. Time, Place & Manner Restrictions on Speech and Speech-Related Activities policy
6. A schedule of election filing deadlines and mandatory Candidate Workshop dates

#### C. Candidate Workshops

1. Candidate Workshops are mandatory for all candidates prior to the deadline for filing Candidate Elections Applications.
2. Failure to attend a mandatory workshop will result in ineligibility to run for office. **Candidates must be present at the scheduled onset of the workshop.**
3. If a candidate is unable to meet during scheduled times, the candidate may contact the Executive Director for special arrangements. Special arrangements are contingent on Executive Director's availability.
4. Candidates will only be posted as eligible to campaign when the workshop is completed and all other requirements are met. No campaigning of any kind will be permitted prior to posting of eligibility, and the onset of official campaign period.



#### D. Official Timepiece for Filing Deadlines

1. The official timepiece for filing deadlines for documents submitted to JotForm shall be the record of submission via the applicant's SacLink account; and for documents submitted in hard copy shall be the date/time stamp on the receipt in the ASI Government Office.
2. No required materials shall be accepted after the time for filing has expired.
3. To file for candidacy, all materials specified on the form "Required Application Materials" must be received by the specified deadlines and submitted in the prescribed manner, i.e., submission to JotForm or turned in personally at the ASI Government Office. Submission deadlines will be no later than 4:00 pm Pacific Time on the specified day(s).

#### E. Complying with Filing Requirements

Failure to complete any filing requirement or eligibility requirement shall result in **ineligibility** to run for office or **disqualification** from office. No student may file for more than one (1) elective position in any election.

### Article V. FAIR CAMPAIGNING AND PUBLICITY

Candidates and students seeking to place a referendum or initiative on the ballot for an election ("Interested Students") shall be responsible for complying with all provisions in this Elections Code, including those pertaining to the conduct of their campaigns and campaign workers. Violation of any provision of the Elections Code by the candidates or their campaigns or campaign workers or by Interested Students shall be grounds for the Elections Complaint Committee to order remedies as provided in this Elections Code.

#### A. Campaign Period

1. Neither independent candidates, Presidential Tickets, Slates nor Interested Students may begin campaigning until after receipt of notification of eligibility. Notification of eligibility will be made by the ASI Executive Director.
2. The campaign period shall be determined by the ASI Board of Directors and may **not** begin sooner than twenty (20) calendar days before the first day of voting. The time and date will be designated in the Candidate Elections Application and available on the ASI website.
3. Eligible independent candidates, Presidential Tickets, Slates and Interested Students shall campaign independently from other candidates, Presidential Tickets, Slates and Interested Students during the determined campaign period, and shall not interfere with the campaign of another candidate or Interested Student.

## B. Collectives of Candidates

### 1. Slate Registration and Structure

- a. The Slate Declaration Form must be submitted at the provided due date and time. A slate must include no fewer than three (3) and no more than six (6) candidates drawn from any combination of Executive Officers and Director position. If a Presidential Ticket is included, it shall count as two (2) candidates toward the slate's total.
- b. The ASI President and Executive Vice President must be recognized together as a ticket. While the Presidential Ticket may be part of a slate, it will still appear jointly on the ballot.
- c. All other slate-affiliated candidates will appear individually by position, with their slate name indicated beside their name on the ballot. Independent candidates may continue to run without being affiliated with a slate.
- d. If a slate falls below the minimum requirement of three (3) eligible members, as a result of candidate withdrawal, at any time after registration, the slate shall be dissolved. Any remaining candidate(s) will revert to individual candidacy and must immediately comply with all rules governing independent candidates, including but not limited to campaign expenditures, promotional materials, and use of slogans. Remaining candidates may not continue to share resources, branding, or campaign materials under the former slate identity.

### 2. Ballot Structure

The official ballot shall reflect slate participation as follows:

- a. The Presidential Ticket will be listed together as one option, and;
- b. All other candidates, including those affiliated with a slate, will be listed individually with:
  1. The slate name and slogan next to their name on the ballot.

### 3. Slate Declaration Form

4. All slates must be declared through the ASI Elections application by the designated deadline. The candidate must include: (1) the slate's name; (2) one collective slate slogan, which will replace individual candidate slogans on the official ballot and in the voter guide; and (3) a list of all slate members with their respective positions; who will serve as the primary point of contact for ASI staff and oversee the slate's campaign operations. While slate members will use their collective slate slogan which will also appear on the ballot and in the voter guide.

#### Slate Manager Requirements

Each slate must identify one Slate Manager from within the slate, who will be responsible for coordinating campaign strategy, communicating on behalf of the Slate to ASI Staff, and managing joint promotional efforts. The Slate Manager shall be declared via an email reply which shall be initiated by the ASI Executive Director.

## 5. Slate Declaration

Candidates are prohibited from identifying as a Slate once the final filing date and time for Slate declaration has passed. Any candidates that identify or campaign as a Slate who have not filed as such on the Slate Declaration Form may be **disqualified**, unless it can be shown that the candidate was not aware of the violation and did not condone the violation, in which case the Elections Complaint Committee or Appellate Council will fashion an adequate remedy.

## C. Presidential Tickets

1. Presidential Ticket shall mean the partnership of one candidate running for ASI President and one candidate running for ASI Executive Vice President who have filed for candidacy as a Presidential Ticket and not as independents. The two eligible candidates together will be recognized as a Presidential Ticket.
2. Eligible Presidential Tickets will appear jointly on the ballot, and will be recognized jointly as one individual by the Elections Complaint Committee.

Eligible candidates who seek to be recognized as a Presidential Ticket must file as a Presidential Ticket when filing for candidacy on the Candidate Elections Application. Candidates are prohibited from identifying as a Presidential ticket once the final filing date and time have passed.

3. Candidates who are running for the office of ASI President and ASI Executive Vice President who wish to be recognized as a Presidential Ticket must file as such on the Candidate Elections Application. Candidates who are running for any other ASI Vice President position (excluding Executive Vice President) or for an ASI Director position are prohibited from filing, identifying as, or campaigning as a Presidential Ticket.
4. Recognized Presidential Tickets and Slates are permitted to combine spending limits on resources and/or funds only if used in a manner that does not violate section V. D Campaign Expenditures of the ASI Elections Code. Any violations or misconduct in this section may result in **disqualification** of said Presidential Ticket or Slate. Candidates who have not filed as a Presidential Ticket or Slate will not be recognized as such.
5. Recognized Presidential Tickets and Slates are permitted to share physical promotional items and/or Presidential Ticket or Slate websites. Each promotional item or website used by a Presidential Ticket or Slate must include the names of the candidates who are recognized as said Presidential Ticket or Slate. Candidate names that are not recognized as said Presidential Ticket or Slate are not allowed on Presidential Ticket or Slate promotional materials or websites. Presidential Tickets and Slates are responsible for social media accounts, posts, and/or ads.

Any violations may be eligible for review by the Election Complaint Committee.

**D. Independent Candidates**

Candidates running for ASI President or ASI Executive Vice President who do not wish to file as a Presidential Ticket, cannot file as an Independent candidate nor as part of a Slate. Candidates running for ASI Vice President of Finance, ASI Vice President of University Affairs, ASI Vice President of Academic Affairs, or for an ASI Director position are required to file as an Independent candidate or as part of a Slate on the Candidate Elections Application.

No independent candidate shall individually endorse another candidate, campaign in their stead, nor run under a collective platform, name, logo or slogan with the exception of eligible candidates who have filed for candidacy as a Presidential Ticket or as part of a Slate. Any violation of this section may result in

**disqualification**, unless it can be shown that the candidate was not aware of the violation and did not condone the violation, in which case the Elections Complaint Committee or Appellate Council will fashion an adequate remedy.

Independent candidates are responsible for his or her campaign. Independent candidates are prohibited from the pooling of resources and/or funds in the conduct of all ASI elections. Any independent candidates acting as a collective by pooling resources associated with the ASI elections may be **disqualified**.

Only one independent candidate name per physical promotional item or candidate website will be allowed. Multiple candidate names and/or slates are not allowed for web-based and/or social media (e.g. Facebook) promotional items (does not include websites) with the exception of candidates who have filed for candidacy as a Presidential Tickets or as a Slate. Independent candidates will be held responsible for social media accounts, posts, and/or ads that may be considered as part of a Slate.. Any violations may be eligible for review by the Election Complaint Committee.

Unless they are a declared Slate, the quantity discount and shared “set up” fee associated with the purchase promotional materials for any independent candidates could be tantamount to pooling funds which is prohibited.

#### E. Campaign Expenditures

All independent candidates, Presidential Tickets, Slates members and Interested Student shall be required to turn in **personally** to the ASI Government Office, a Campaign Expenditure Form listing all their campaign expenses, regardless of the amount of money spent and/or even if no money is spent. One (1) Campaign Expenditure Form per recognized Presidential Ticket and/or Slate members must be turned in personally by one member of said Presidential Ticket and/or the Slate Manager, but signed by the slate members, to the ASI Government Office. This form must be received by the ASI Government Office by 4:00 pm Pacific Time on the Monday following the elections. This statement must be time-stamped to be considered “turned in.” **Failure to submit a Campaign Expenditure Form shall be a violation of the Elections Code and WILL result in disqualification.**

The Campaign Expenditures Form shall include:

- a. The receipts of all items purchased must be included. These shall include the name and telephone number of the seller. Failure to provide receipts as provided for in this part for all purchased items is a violation of the Elections Code and may result in **disqualification**.
- b. A listing of all gifts, donations, discounts and/or rental materials at fair-market value must be disclosed via the Donation Disclosure 18

section. Power and hand tools (such as hammer, staple gun, electric drill, cutting tools etc.) used to assemble promotional materials will be exempt.

- i. If the candidate wishes to utilize their pre-owned materials, they must include the current fair market value of the materials in the expenditure form.
  - c. All professional labor costs related to the candidate's or Interested Student's campaign, including material that was produced prior to the election (see glossary for definition).
  - d. Newspaper ads classifieds, which promote a candidate or position on a referendum/initiative, unless it can be shown that the candidate or Interested Student did not consent to the placement.
  - e. Costs associated with set-up of a campaign website including, but not limited to, domain service, hosting service, SSL certificate and professional labor costs.
6. Independent candidates running for any ASI Board position shall be allowed to spend a maximum total of \$350.00. This total shall include all contributions, gifts, discounts and/or donations by individuals, businesses and/or organizations, including the candidate. This total shall include all costs associated with the creation of an independent candidate's 4x4 boards with the exception of tables, chairs, power and hand tools (such as hammer, staple gun, electric drill, cutting tools etc.)
- a. All gifts, donations, discounts and/or rental materials at fair-market value shall not exceed a combined total of \$50.00 and shall be included in the maximum total of \$350.
7. A maximum spending limit of \$500.00 shall be allowed per Presidential Ticket. This total shall include all contributions, gifts, discounts and/or donations by individuals, business, and/or organizations, including the members of said Presidential Ticket. This total shall include all costs associated with the creation of a Presidential Ticket's 4x4 boards with the exception of tables, chairs, power and hand tools (such as hammer, staple gun, electric drill, cutting tools etc.).
- a. All gifts, donations, discounts and/or rental materials at fair-market value shall not exceed a combined total of \$75.00 and shall be included in the maximum total of \$500.

Neither independent candidates nor Interested Students will be allowed to combine their individual spending limits with other independent candidates, Presidential Tickets, or Interested Students.

- a. For elections involving a referendum or initiative, ASI may set spending limits on

Interested Students or the campaign. In no event shall ASI funds be used to

support or oppose a referendum or initiative unless an equal amount of funds are allocated to both sides of the issue. A maximum spending limit of \$800 shall be allowed for Slates, each Slate-affiliated candidate shall be limited to the slate maximum expenditure limit of \$800. This total shall include all contributions, gifts, discounts and/or donations by individuals, business, and/or organizations, including the members of the Slate. This total shall include all costs associated with the creation of the Slate's 4x4 boards with the exception of tables, chairs, and power and hand tools (such as hammer, staple gun, electric drill, cutting tools, etc.). a. All gifts, donations, discounts and/or rental materials at fair-market value shall not exceed a combined total of \$100.00 and shall be included in the maximum total of \$800

F. Areas in Which Campaigning is Prohibited

All independent candidates, Presidential Tickets, Slates and Interested Students shall conduct their campaign in accordance with the provisions of the Elections Code and any university, city, local, state and federal policies, laws, ordinances or regulations.

- b. Harassment, as defined within this section, is prohibited. This includes verbal, written (printed or electronic) and/or physical abuse by any candidate or Interested Student.
- c. Advertising or campaigning, which is libelous or slanderous, is prohibited throughout the entire elections process (including the Elections Complaint process and the Appeals process). Any violation of this Section may result in **disqualification**, unless it can be shown that the candidate or Interested Student was not aware of the violation and did not condone the violation, in which case the Elections Complaint Committee or Appellate Council will fashion an adequate remedy.
- d. Advertising or campaigning that endangers persons is not permitted.
- e. Regulations and classification of publicity for campus elections shall be found within this Article of the Elections Code.
  - i. No campaigning of any kind shall occur within fifty (50) feet of an official ASI polling place while that polling place is open for voting. Any violation of this Section may result in **disqualification**, unless it can be shown that the candidate or Interested Student was not aware of the violation and did not condone the violation, in which case the Elections Complaint Committee will fashion an adequate remedy.
  - ii. No partisan election materials of any kind shall be worn by any person having anything to do with the running of the election, counting of ballots, working at the polls, or working in an election area.



- iii. There shall be no advertising or campaigning of any kind that interferes with the classroom instruction without the consent of the professor or instructor.
- iv. There shall be no active campaigning of any kind in any campus-identified computer lab. Campaigning in a computer lab may result in **disqualification**, unless it can be shown that the candidate was not aware

of the violation and did not condone the violation, in which case the Elections Complaint Committee will fashion an adequate remedy. Active campaigning shall not include wearing a campaign T-shirt.

- v. There shall be no placement of campaign promotional materials on campus prior to the date and time determined in the election Application. This includes support materials, stakes and/or posts for signs. Reserving sign locations is not permitted.
- vi. Each independent candidate, referendum/initiative campaign, Slate, or Presidential Ticket shall be allowed any combination of posted signs or banners to total not more than four (4). These four (4) campaign materials shall be no longer than four (4) feet in height and four (4) feet in length. There may be no more than two (2) 4 x 4 signs in the Library Quad, one (1) 4x4 in the area between Shasta and University Drive towards the Residence Halls, one (1) in the grass areas next to Benicia Hall, and other areas as sanctioned by the University Time, Place & Manner Restrictions on Speech and Speech-Related Activities Policy.
  - i. Height shall be measured from the top of the sign to the ground. Length shall be measured from the left of the sign to the right. Anything touching the sign or supporting the sign shall be included in the measurement.
  - ii. Posted sign or banner shall mean any stationary sign. Carried signs or banners are not included in this Section. Signs posted on kiosks or bulletin boards established by Sacramento State shall not be included in this Section.
  - iii. 4 X 4 signs placed on lawn areas shall be a minimum of six (6) feet from the walkway edge(s); stakes in the ground are not permitted.
- vii. All campaign posters, signs, and banners shall be removed by 5pm on the Sunday after election. Campaign materials still up after this time shall be removed and disposed of by SO&L. If campaign material is not removed from campus by this time, the candidate may be billed by SO&L for the time and labor cost of removal in an amount not to exceed \$50.00.
- viii. World Wide Web (WWW), Internet, computer network or computer program may be used if they do not impede the educational process as outlined by Sacramento State and/or the California Educational Code or violate another subsection of this Election Code or local, state, or federal laws, ordinances, rules or regulations.

- ix. Candidates, Presidential Tickets, interested individuals must make themselves aware of and adhere to other campus entities' policies regarding solicitation, including campaigning.
  - x. There shall be no campaigning of any kind including passive campaigning in the following:
    - 1. An ASI Board Meeting or meetings of any board or committee under the jurisdiction of the ASI.
    - 2. Within fifty (50) feet of any ASI Office (including the Sac State Aquatic Center, ASI Children's Center and Peak Adventures Challenge Course.)
    - 3. Inside the University Union, with the exception of designated spaces for ASI Elections events or as an invited guest at a student organization general meeting. Candidates will be notified of designated spaces for ASI Elections events including date, time, and location prior to event.
  - xi. ASI resources, materials, websites, logos or other digital items, which ASI has sole rights to shall not be used in any campaign materials unless explicitly approved by the ASI Board. Any violation of this area may result in **disqualification**, unless it can be shown that the candidate was not aware of the violation and did not condone the violation, in which case the Elections Complaint Committee will fashion an adequate remedy.
- f. Misrepresentation of a candidate's experiences or qualifications in advertising or campaigning is prohibited.

#### G. Identification of Campaign Materials

All campaign websites, fliers, leave-behinds, campaign and any other physical materials must bear the name of the Independent Candidate, name of the members of a recognized Presidential Ticket, Slate, organization, Interested Student or other individual responsible for the contents and distribution of that campaign material. The name of the Independent Candidate or Presidential Ticket or Slate members who are taking ownership of the promotional item on their Campaign Expenditure Form must be visible to the constituents. Names that are discretely displayed in a manner, such as on the back of buttons or the tags of clothing, is to be deemed non-visible to constituents. This does not apply to social media promotion or other free web-based promotional items (e.g. Facebook, Instagram, Twitter, etc.).

#### H. Campaign Interference Prohibited

No independent candidate, Presidential Ticket, Slate, organization, Interested Student, or individual shall interfere with the campaign of another candidate. Interference includes, but is not limited to, unauthorized removal of campaign posters, banners, or other materials, or other disruption of campaign activity. Any violation of this Section may

result in **disqualification**, unless it can be shown that the candidate, Presidential Ticket, Slate, organization or Interested Student was not aware of the violation and did not condone the violation, in which case the Elections Complaint Committee will fashion an adequate remedy.

#### I. Endorsement

For the purposes of this Section, endorse shall mean any showing of support for a particular candidate, whether verbal, written (electronically or in print), appearance at events, or in any other form.

- g. In any given year, any individual directly involved with the planning and implementation of elections, (e.g. Elections Planning Group members), Elections Complaint Committee, and Appellate Council shall be prohibited from individually endorsing any candidate running for office. Additionally, ASI-funded programs, University departments and programs, college departments, faculty, staff, and administration shall be prohibited from endorsing any candidate running for office.
  - i. Should a candidate wish to provide a classroom presentation, they may do so with faculty permission. When doing so, the student must request the faculty member to read the following statement: “I have been asked by (candidate’s name) to provide a few minutes of class time to discuss their campaign for the ASI Elections. Please do not interpret this as an endorsement of this candidate; faculty members are not a part of ASI Elections, and remain neutral parties.
- h. In accordance with the responsibility of serving as a Board Member, currently serving ASI Board Members may not endorse any candidate, unless they are a candidate themselves.
- i. Before an independent candidate, Presidential Ticket, Slate or Interested Student can claim an endorsement from any individual or organization, they must turn in a wet signed Candidate Endorsement Letter on behalf of their endorser to the ASI Government Office no later than 12:00pm on the Friday before voting begins. No faxed or electronic copies of Endorsement forms shall be accepted. Physical submission of endorsement forms is required to ensure authenticity, prevent falsified or unauthorized endorsements, and maintain a verifiable chain of custody for all election materials. This process upholds transparency, protects endorsers from misrepresentation, and preserves the integrity of the election record. Independent Candidates Presidential Tickets, and Slate members may request a copy of their endorsements after the submission deadline.
- j. It is the policy of the ASI to operate an “even playing field” on referenda or initiatives that are placed before students for a vote. This policy means that ASI can take formal positions on elections concerning a referendum or an initiative, but it shall not allocate funding to support or oppose a position in such election

unless an equal amount of funds are allocated to both sides of the issue.

## **Article VI. ELECTIONS AND VOTING**

### **A. Time of Annual General Elections**

There shall be one (1) Annual General Election per academic year, to be a minimum of two (2) consecutive days during a week in April on Tuesday, Wednesday or Thursday. The annual General Election should be scheduled to avoid conflicting with other major campus events to the extent possible.

### **B. Voting Hours for Annual General Elections**

Online voting shall begin at 8:00 a.m. on the first day of elections and close at 7:30 p.m. on the second day of elections. On campus polls shall be open a minimum of eleven point five (11.5) hours per day from no later than 8:00 a.m. until 7:30 p.m. on both election days.

### **C. Information at Polling Stations and Online**

If requested, workers at Polling Stations shall make available the following information:

1. Name and telephone number of the ASI Government Office;
2. Date and hours of operation;
3. Current copy of the Elections Code and the ASI BYLAWS;
4. List of any candidates who are disqualified or withdrawn;
5. Voter Booklet.

All Official ASI Polling Stations shall be identified as such.

### **D. Temporary Closure of a Polling Station**

A polling station may be temporarily closed by the appropriate member of the Election Planning Group, in consultation with the Executive Director, if there is reason to believe that an Elections Code violation or technical problem warranting a temporary closure has occurred. If the violation or technical problem is correctable, the polling station may be declared reopened by the appropriate member of the Election Planning Group in consultation with the Executive Director. In the event that the violation or technical problem is not immediately correctable, the station may remain closed until the violation or technical problem is corrected. Any closures must be reported to the ASI Executive Director immediately.

E. Voter Eligibility

The Electorate shall consist of all currently regularly enrolled students at Sacramento State. Both undergraduate and graduate students are eligible to vote.

F. One Person, One Vote

1. Initiatives, recalls or referenda

Each student shall be allowed one (1) vote for each initiative, recall or referendum placed on a ballot.

2. Each student shall be allowed one (1) vote for a Presidential Ticket, Vice President of Finance, Vice President of University Affairs, Vice President of Academic Affairs, and one (1) vote for the College Director of which their major falls under.

Students with more than one (1) declared major shall be eligible to vote for only one academic school representative, regardless if the majors are within separate schools. At the time of voting the student will have the option to elect the academic school representative for which to vote.

In uncontested races students shall have the option to cast a vote of “no confidence.” If the sum of the “no confidence” votes cast against an individual candidate exceeds the sum of the votes received in favor of that candidate then the position shall be declared “vacant.” The vacancy shall be filled in accordance with procedures prescribed by ASI BYLAWS and Operating Rules.

G. No Proxy Voting

1. No student shall vote by proxy in General/Special Elections.

2. Any visually or physically challenged voter who requires assistance in voting may have a person of their own choosing assist them with the voting process.

H. Write-in Candidates

Votes for write-in candidates shall not be permitted and shall not be counted.

I. Secret Ballot

Voting shall be by secret ballot. The agency may use a method to verify eligibility of voters if the system assures the secret nature of the ballot.

J. Order of Names on Ballots

The order of Presidential Tickets, Slate members and Independent Candidates' names for each office on the ballot shall be randomly determined in a public drawing. The drawing shall be conducted at least ten (10) calendar days prior to the election.

K. Integrity of Elections

The Agency shall utilize a system that ensures the integrity of the voting process including the distributing, casting, and securing of ballots.

L. Candidate Information Text

1. The ballot shall allow space of twenty (20) characters for each independent candidates, recognized Presidential Tickets, Slates or referendum/initiative in the Annual Elections such as allowed on State and Federal ballots.
2. Independent candidates, Presidential Tickets, Slates or Interested Students can use this space at their own discretion to include information such as (but not limited to) the following: membership clubs/organizations, platform information, current office positions, major etc.
3. This information shall be submitted at the time of filing.
4. This text will be subject to review by the Associated Students' Executive Director for acceptable language and content.

**Article VII. BALLOT COUNTING AND ELECTION RESULTS**

- A. Only personnel of the Agency shall have access to official ballots or electronic ballots at any time during the voting process.
- B. Ballots shall be certified immediately following the close of the voting period.
- C. After certification of results, the Agency shall make available copies of the results to the VPSA and the ASI Executive Director. The ASI Executive Director shall be responsible for posting the results.
- D. The Agency shall utilize a system that will ensure accountability of the tabulating process.
- E. Blank votes on specific issues or specific candidates do not count as a vote cast.



## **Article VIII. INITIATIVE/RECALL/REFERENDA/SPECIAL ELECTIONS/ ELECTION/RERUNS**

### **A. ASI Board Authority**

Responsibility, procedures, and time lines for conducting initiatives, recalls, referenda, special elections or election reruns shall be determined and established by the ASI Board. Such determinations shall be compatible with provisions of this Elections Code and the ASI BYLAWS.

### **B. Qualifying Valid Language**

1. Initiatives, Referendums and Recalls, other than fee changes, may be placed on the ballot either by the ASI Board of Directors or by any student that has qualified the referendum or recall by gathering students signatures equal to ten (10) percent of the number of students who voted in the previous ASI General Elections.
2. A recommendation to increase or decrease the fee shall be proposed upon petition to the Board by five (5) percent of the membership or upon affirmative vote by two-thirds (2/3) of the then current membership of the Board.
3. Ballot Language
  - a. In case the ASI Board of Directors proposes a referendum to be placed on the ballot, specific ballot language must be brought before the ASI Board. The ASI Board will vote on the exact language that will be placed on the ballot.
  - b. In the case of a student petition, the students desiring to place ballot language on the ballot must register the specific ballot language with the VPSA. Registration must be submitted ten (10) calendar days prior to gathering any signatures. The VPSA will notify the student of the acceptance of the referendum or recall language or of modifications to be made within ten (10) calendar days of registration. The approved language must be carried by those students gathering signatures and made available to all students. Students signing the petition must include their name and other evidence that the student is a member of ASI.
4. Upon qualification of Valid Language, Initiatives and Referendums will be assigned a number. Numbers will be assigned in the order that they are qualified. The numbering shall start with number One (1) and be cumulative over the given academic year.

### C. Voter Booklet

1. The voter booklet will be made available to all people eligible to vote in an ASI general or special election. The voter booklet will include the ballot initiative, objective analysis from each side stating why it is or is not needed and the impact it will have. It will also include all statements of support or opposition submitted by the prescribed deadline to [the ASI Government Associate Director](#) from campus groups, organizations and individuals. The form and length of each section will be determined by the ASI Elections Officer in consultation with the ASI Executive Director.
2. After the ballot measure has been qualified and at least twenty-eight (28) calendar days before the election, the body responsible for qualifying this initiative must advertise in the campus newspaper and put out flyers to all clubs and organizations explaining their ballot measure and what they hope to accomplish through it. In the advertisement and flyer, they must also indicate that anyone wishing to submit statements for or against the proposal must submit these statements to the ASI Government Associate Director no less than twenty- one (21) calendar days prior to the election via email attachments. The statements may be no longer than two hundred-fifty (250) words. A contact person and their contact information must be included with the statements.
3. Each voter ballot shall contain the following statement: “Any person who has a right to vote in this election may also file a complaint as outlined in the Elections Code and Fair Hearing Plan, which are available on the ASI website and in the ASI Government Office.”
4. Any summary of the proposed action included in the voter booklet should be brief and limited in scope to clarification of the meaning and intent of the referendum language. The objective analysis of the referendum shall include the benefits and liabilities of both passage and defeat of the referendum. Pro and con statements may be no longer than two-hundred-fifty (250) words. All statements should be submitted containing only upper/lower case, numbers and standard punctuation. Use of bold face and underline is allowed. However, italics, graphics, stars, bullets and other symbols are prohibited. The formatting of the text is at the discretion of the Elections Officer with all statements being set in the same typeface and font. Once submitted, a statement can only be changed for spelling, grammar and factual accuracy, and only with the approval of the submitter.
5. In addition to the objective analysis and the summary of the proposed referendum, the pamphlet shall include statements for and against the referendum, which are solicited from the student body. Statement shall be no longer than two hundred-fifty (250) words. Notices shall be placed in

the STATE HORNET soliciting statements for and statements against the proposed referendum. The Elections Officer shall be responsible from those duly submitted. Once a statement for or against the referendum has been submitted to and received by the ASI Government Associate Director, its contents shall not be edited or changed.

6. The voter booklet must be accessible online.
7. Copies of the voter booklet and ballot information regarding dates, times and polling locations shall be available to students and published on the ASI website at least ten (10) calendar days prior to the election.

## **Article IX. ELECTIONS COMPLAINT COMMITTEE**

### **A. Authority and Jurisdiction**

The Elections Complaint Committee shall have original jurisdiction to hear and rule on all complaints of violations of this Elections Code. Each Independent Candidate, Slate member, or member of a Presidential Ticket is accountable for following the Election rules and regulations. Complaints regarding suspected Elections Code violations are subject to individual review and disciplinary action by the Elections Complaint Committee.

Complaints may only be filed by an individual against an individual, or by an individual against suspected collective candidates (e.g. "slates"). Each individual candidate is accountable for following the Election rules and regulations. Complaints regarding suspected collective candidates (e.g. "slates") will be heard regarding the following: #1 combining of financial resources or #2 Collective campaigning, i.e. running under a collective platform, name, logo, slogan and/or individually endorsing another candidate. Complaints would be filed by an individual against an individual or by an individual against suspected collective candidates, who violated any or all of these policies. Of those collective candidates (e.g. "slates") formed, all candidates that are associated with campaigning as a Collective of Candidates are in violation of campaign policy and are also subject to individual review and disciplinary action by the Elections Complaint Committee.

Members of a Presidential Tickets and Slates will be recognized jointly as one individual by the Elections Complaint Committee. Any complaint filed against a Presidential Ticket or Slate will result in both member of said Presidential Ticket or Slate to be jointly reviewed by the Elections Complaint Committee. All members of a Presidential Ticket or Slate who wish to file a complaint are equally responsible for filing a complaint against another Presidential Ticket, Slate, or Independent Candidate.

### **B. Appointment and Terms of Committee Members**

The Committee shall consist of three (3) student members appointed by the VPSA after consultation with the ASI President and ASI Board of Directors in accordance with the

ASI BYLAWS. In the event the ASI President is a candidate, the order of succession, as prescribed in the ASI BYLAWS, Section VII.D, shall be followed. None of those recommending may be running for office. The Committee shall also include one faculty

member recommended by the Faculty Senate and the Vice President for Student Affairs, or designee, shall serve as Chair of the Committee. Committee members are appointed for a one-year term.

Student members appointed to the Committee may not be current members of the ASI Board, unless selected by the Committee for quorum purposes, per Election Code Article IX, Section C. Additionally, any student directly or indirectly involved in planning, volunteering or participating (in any way other than voting) in a specific candidate's election campaign is prohibited from serving on the Election Complaint Committee. The VPSA will determine the eligibility of the student members.

The Elections Complaint Committee must be fully constituted by the end of the third week of the Spring Semester and in no event later than seven (7) calendar days prior to the final day of filing in any Election.

A quorum of the COMMITTEE shall exist if a majority of the members of the Committee are present and eligible to vote.

#### C. Abstentions/Conflicts of Interest

Individual members of the Committee may abstain from voting on any issues where there is a conflict of interest. A conflict of interest is defined as having a personal benefit that is dependent on the outcome of the decision due to close association with the involved parties. In the case that a member of the Committee abstains from voting on a complaint, that member shall not be present for any deliberations of the Committee regarding the matter abstained from which are not open to the public.

The standard for determining whether a conflict of interest exists shall be whether a reasonable person who is informed of all the facts and circumstances believes that the member in question cannot cast an unbiased vote on the case.

Guidelines for Abstentions/Conflicts of Interest:

1. Members of the Committee may decide to abstain on their own decision
2. Any of the parties (complainants, defendants or committee members) may request that a member abstain from the decision. If a request is made, the member whose abstention is sought may agree or disagree.
  - a. In the event that the member disagrees, an appeal may be brought before the entire Committee within two (2) days of the denial.
  - b. The remaining members of the Committee will vote on the request for abstention.
  - c. If three of the four remaining members vote for abstention, the request for abstention shall be granted and that member shall abstain from voting.

The decision of the full committee may not be appealed. In the event that a quorum of the Committee cannot be convened due to abstentions, the members

of the Committee who have not abstained shall select members of the ASI Board who do not have a conflict of interest until a quorum exists. In the event that a quorum cannot be obtained by filling the seats with members of the ASI Board, the VPSA shall appoint sufficient students to sit on the Committee for resolution of the issue. The appointments by the Committee or the VPSA may not be appealed.

D. Grounds for Complaints

A complaint may be filed for a violation of any provision of the Elections Code or the ASI BYLAWS. A complaint may also be filed on any other grounds that allege that one or more candidates or ballot measures in an election was unfairly aided or hindered.

E. Time and Place for Filing of Complaints

1. Complaints may be filed by any eligible voter.
2. Elections Complaints shall be filed via JotForm at any time during the campaign period as long as it is filed within five (5) calendar days following the last day of voting.

F. Deposit for Filing a Complaint

Upon filing a complaint, the complainant shall be required to file a twenty-five dollar (\$25) deposit at the ASI Government Office in the form of a check or money order no later than five (5) calendar days following the last day of voting. Each complaint submitted shall require a deposit, and no complaint filed shall be accepted by the Elections Complaint Committee without a deposit on file.

1. If the Committee rules the complaint is without merit, the complainant shall forfeit the deposit. The check or money order shall be deposited to the ASI Scholarship Fund after the deadline to file appeals has passed. The Executive Director shall notify the complainant prior to cashing the forfeited deposit. The complainant may request of the Executive Director the option to complete 3 hours of community service in lieu of the \$25. The complainant must show evidence of completion of the 3 hours of community service no later than the semester in which the election is held. If the community service hours are not completed within the prescribed semester, the \$25 deposit will be cashed.
2. If the Committee finds the complaint to have merit, the complainant shall be entitled to reclaim the deposit. The complainant shall have thirty (30) days after the deadline to file appeals to reclaim the deposit. If the check or money order is not reclaimed within thirty (30) days, it shall be deposited to the ASI Scholarship Fund.

3. If an appeal is filed on the Committee's decision to not hear the complaint, the deposit shall not be deposited to ASI nor released to the complainant pending the results of the appeal.
4. If the complaint is withdrawn by the complainant, the deposit shall be returned to the complainant using the process outlined in Article IX, E,3,b.

G. Forms and Contents of a Complaint

Forms shall be made available at the official ASI Elections website no later than the onset of the election campaign period. The completed form(s) and required information shall be submitted via JotForm by the prescribed submission deadline. JotForm will supply each applicant with a record of submission via the applicant's SacLink account which shall serve as proof of receipt.

Complaints submitted to the Committee shall specify:

1. The selection or sections of this Elections Code or ASI BYLAWS that were allegedly violated and by whom, or another conduct, and by whom, which allegedly unfairly affected the election;
2. A brief summary of the oral or written evidence to be submitted in support of the complaint including the names of witnesses expected to testify; and
3. A request for a remedy or remedies.

H. Discretion of the Elections Complaint Committee to Hear Complaints

The ASI Executive Director will forward all complaints to the Chair of the Elections Complaint Committee. The Committee will decide by majority vote if it has proper jurisdiction to hear the complaint. If the Committee determines that the complaint cannot be heard for reason of lack of jurisdiction or the complaint is ruled without merit, the Committee shall issue in their decision the reasoning behind their determination, citing the relevant section(s) of the Elections Code when applicable. ASI Executive Director, on behalf of the Committee, will send a written notification and a copy of the Committee's decision by e-mail to the complainant and the defending party within two (2) calendar days of such determination.

I. Hearings Conducted by Elections Complaint Committee

All hearings conducted by the Elections Complaint Committee under this Elections Code shall be in accordance with the Fair Hearing Plan attached as Appendix I to this Elections Code.

## **Article X. REMEDIES FOR COMPLAINTS**

After a complaint hearing, the Elections Complaint Committee shall have the authority to order remedies and impose sanctions on sufficient proof of a complaint.

The Committee may:

- A. Recommend to the ASI Board that it consider specific revisions to this Elections Code.
- B. Issue a reprimand of a candidate, or other student(s) if a violation of this Elections Code is proven.

Reprimand options (not limited to options below):

- 1. Up to fifty dollar (\$50) fine donated to the ASI Scholarship fund for a candidate or individual.
  - 2. Loss of eligibility for up to one academic year for Dollars for Organizations and Clubs (DOC) for any club or organization.
  - 3. Issue a formal letter of reprimand to the student, citing the offense.
- C. Recommend to the VPSA that it consider instituting disciplinary action against one (1) or more candidates, Presidential Tickets, Slates, or individual students if a serious violation of this Elections Code or other serious misconduct (such as, but not limited to, interfering with the campaign of another candidate referendum/initiative campaign, intentionally misrepresenting the views, ideas or record of another candidate or referendum/ initiative campaign, or engaging in campaign tactics that are personally humiliating or derogatory to another candidate or referendum/initiative campaign) is proven.
- D. Disqualify an independent candidate or members of a Presidential Ticket or Slate from taking office if a very serious violation of this Elections Code or other very serious misconduct by that candidate is proven by clear and convincing evidence compiled in the hearing record.
- E. Order a recount of ballots if doubt is cast on the results.
- F. Order all or part of the election invalidated and rerun, but not only if clear and convincing evidence compiled in the hearing record proves that the outcome of the election was determined by the irregularity or other matter complained of.
- G. Rule that the complaining party has failed to produce evidence warranting a remedy or sanction.



- H. Rule that the complaint is without merit. Justification for this decision may include, but is not limited to: lack of evidence presented by the complainant, the required burden of proof was not met by the complainant, or the actions of the defending party were not in violation of the Code.

The Elections Complaint Committee has authority to take any other action or issue such other remedy that it finds suitable and appropriate to its findings, provided however, the authority of the Elections Complaint Committee to issue a remedy shall not extend to actions that are limited or prescribed by this Elections Code, the BYLAWS, Sacramento State Policies or Procedures or otherwise limited by law.

## **Article XI. APPEAL OF ELECTIONS COMPLAINT COMMITTEE ACTION**

All decisions of the Elections Complaint Committee are final unless appealed in accordance with this Section of the Elections Code.

### **A. Authority and Jurisdiction**

The Appellate Council shall have the original jurisdiction to hear and rule on all appeals. Decisions of the Appellate Council, once reviewed and approved by the VPSA, are final and binding.

### **B. Appointment and Terms of Council Members**

The Appellate Council shall consist of three (3) student members appointed by the VPSA after consultation with the ASI President and ASI Board of Directors in accordance with the ASI BYLAWS. In the event the ASI President is a candidate, the order of succession, as prescribed in the ASI BYLAWS, Section VII. D, shall be followed. None of those recommending may be running for office. The Council shall also include one faculty member recommended by the Sacramento State Faculty Senate, and the VPSA, or designee, shall serve as Chair of the Council. Council members are appointed for a one-year term. No member of the Elections Complaint Committee shall also serve as a member of the Appellate Council, other than the Vice President for Student Affairs.

Student members appointed to the Council may not be current members of the ASI Board, unless selected by the Council for quorum purposes, per Election Code Article XI, Section C. Additionally, any student directly or indirectly involved in planning, volunteering or participating (in any way other than voting) in a specific candidate's election campaign is prohibited from serving on the Appellate Council. The VPSA will determine the eligibility of the student members.

The Appellate Council must be fully constituted by the end of the third week of the Spring Semester and in no event later than seven (7) calendar days prior to the final day of filing in any Election.

A quorum of the Council shall exist if a majority of the members of the Council are present and eligible to vote.

#### C. Abstentions/Conflicts of Interest

Individual members of the Council may abstain from voting on any issues where there is a conflict of interest. A conflict of interest is defined as having a personal benefit that is dependent on the outcome of the decision due to close association with the involved parties. In the case that a member of the Council abstains from voting on a complaint, that member shall not be present for any deliberations of the Council regarding the matter abstained from which are not open to the public.

The standard for determining whether a conflict of interest exists shall be whether a reasonable person who is informed of all the facts and circumstances believes that the member in question cannot cast an unbiased vote on the case.

Guidelines for Abstentions/Conflicts of Interest:

1. Members of the Council may decide to abstain on their own decision
2. Any of the parties may request that a member abstain from the decision. If a request is made, the member whose abstention is sought may agree or disagree.
  - a. In the event that the member disagrees, an appeal may be brought before the entire council within two (2) days of the denial.
  - b. The remaining members of the council will vote on the request for abstention.
  - c. If three of the four remaining members vote for abstention, the request for abstention shall be granted and that member shall abstain from voting.
3. The decision of the full Council may not be appealed.
4. In the event that a quorum of the Council cannot be convened due to abstentions, the members of the Council who have not abstained shall select members of the ASI Board who do not have a conflict of interest until a quorum exists. In the event that a quorum cannot be obtained by filling the seats with members of the ASI Board, the VPSA shall appoint sufficient students to sit on the Council for resolution of the issue. The appointments by the Council or the VPSA may not be appealed.

#### D. Grounds for Appeal

Appeals regarding the Elections Complaint process must be filed in accordance with the ASI BYLAWS. Per ASI BYLAW XIII. B. 7, the Appellate Council may only overturn the original decision of the Elections Complaint Committee due to a violation of applicable rules or laws governing the elections (the Fair Hearing Plan, the Elections Code, and the ASI BYLAWS). The Appellate Council is not authorized to re-hear complaints from the Elections Complaint Committee.

E. Time and Place for Filing an Appeal

1. Appeals concerning an ASI Elections Complaint Committee outcome may only be filed by a Complainant or Defendant of the Elections Complaint process or a member of the Elections Complaint Committee. The appeal may only be filed against the Elections Complaint Committee which means the Committee will act as the defendant.
2. All appeals from actions of the Elections Complaint Committee must be filed via JotForm no later than 4:00 p.m. Pacific Time on the third academic day after the Committee issues its written decisions, and the decision has been made public by the ASI Executive Director.

F. Forms and Contents of an Appeal

Forms shall be made available on the official ASI Elections website no later than the onset of the election campaign period. The completed form(s) and required information shall be submitted via JotForm by the prescribed submission deadline. JotForm will supply each applicant with a record of submission via the applicant's SacLink account which shall serve as proof of receipt.

Appeals submitted to the Council shall specify:

1. The section or sections of this Elections Code or ASI BYLAWS that were allegedly violated and by whom, or another conduct, and by whom, which allegedly unfairly affected the Elections Complaint Committee decision; and
2. A brief summary of the oral or written evidence to be submitted in support of the appeal including the names of the witnesses expected to testify; and
3. A request for a remedy or remedies.

G. Discretion of the Appellate Council to Hear Appeals

The ASI Executive Director will forward all complaints to the Chair of the Appellate Council. The Council will decide by majority vote if it has proper jurisdiction to hear the complaint. If the Council determines that the appeal cannot be heard for reason of lack of jurisdiction, the Council shall issue their decision with the reasoning behind their determination, citing the relevant section(s) of the Elections Code or ASI BYLAWS when applicable. The ASI Executive Director, on behalf of the Council, will send a written notification and a copy of the Council's decision by e-mail to the appellant within two (2) calendar days of such determination.

#### H. Hearings Conducted by the Appellate Council

All hearings related to the appeals of Committee decisions conducted by the Appellate Council under the ASI Elections Code shall be in accordance with the Fair Hearing Plan attached as Appendix I to the Elections Code.

#### I. Finality of Appellate Council Decisions

Decisions of the Appellate Council, once reviewed and approved by the VPSA are final and binding.

### **Article XII. RETENTION OF RECORDS**

Candidate Elections Applications, Candidate Endorsements, Campaign Expense Reports, Election Complaints, and Appeals to the Appellate Council will be retained for one year and then destroyed when the new Election Cycle begins.

Election Complaint Hearings and determinations and Appellate Council Hearings and determinations will be retained for two years and then destroyed when the third year Election Cycle begins.

### **Article XIII. TRANSITION OF THE ASI BOARD**

On the day specified by ASI BYLAWS, the individual declared by the Agency as elected in the annual General Election conducted during that same academic year shall assume the offices of ASI Executive Officers or Directors of the ASI Board, if the individual has met the prescribed eligibility requirement to take office and has not been disqualified (ASI Bylaw VII.B.4.a).

#### **Taking Office: Presidential Tickets**

In the event that a President of the elected Presidential Ticket is disqualified by a final order of either the Elections Complaint Committee, the Appellate Council, or for any other reason, or if the candidate fails to meet any of the residency and academic requirements, or if the candidate refuses to take office, the Executive Vice President of the elected Presidential Ticket shall assume the office of ASI President, therefore, the Executive Vice President position will be considered vacant and shall be filled in accordance with ASI BYLAWS.

In the event that the Executive Vice President of the elected Presidential Ticket is disqualified by a final order of either the Elections Complaint Committee, the Appellate Council, or for any other reason, or if the candidate fails to meet any of the residency and academic requirements, or if the candidate refuses to take office, the Executive Vice President position will be considered vacant and shall be filled in accordance with ASI BYLAWS.

In the event that both the President and Executive Vice President of the elected Presidential Ticket are disqualified by a final order of either the Elections Complaint Committee, the Appellate Council, or for any other reason, or if the candidate fails to meet any of the residency and academic requirements, or if the candidate refuses to take office, those offices shall be assumed by the Presidential Ticket with the next highest number of votes in the election. This process shall continue until there are no eligible candidates to assume the office. If there are no eligible candidates to assume office, the office shall be considered vacant and shall be filled in accordance with ASI BYLAWS. This succession rule only applies to seating of Board vacancies through the election process.

#### **Taking Office: Slates and Slate Members**

Upon the conclusion and certification of election results, including the resolution of any election complaints, all Slates shall be considered formally dissolved. Because candidates affiliated with a Slate are elected to office individually rather than collectively, each Slate member shall assume office, if elected, in the capacity of an Independent Candidate and in accordance with the procedures outlined in the section below.

#### **Taking Office: Independent Candidates**

In the event that a candidate is disqualified by a final order of either the Elections Complaint Committee, the Appellate Council, or for any other reason, or if the candidate fails to meet any of the residency and academic requirements, or if the candidate refuses to take office, that office shall be assumed by the candidate who received the next highest number of votes in the election. If the candidate with the second highest number of votes in the election is disqualified by a final order of either the Elections Complaint Committee, or the Appellate Council, or for any other reason, or if the candidate fails to meet any of the residency and academic requirements, or if the candidate refuses to take office, that office shall be assumed by the candidate who received the next highest number of votes in the election. This process shall continue until there are no eligible candidates to assume the office. If there are no eligible candidates to assume office, the office shall be considered vacant and shall be filled in accordance with ASI BYLAWS. This succession rule only applies to seating of Board vacancies through the election process.

In the event that a candidate has been disqualified by an order of the Elections Complaint Committee, but that order has not become final because the time for filing an appeal has not ended, the candidate will assume the office. In the event that an officer or director is disqualified by a final order after assuming the office, such assumption shall, upon the order becoming final, immediately be considered void and the office will be assumed by the candidate with the second highest number of votes in the election. If the candidate with the second highest number of votes in the election is disqualified by a final order of either the Elections Complaint Committee, or the Appellate Council, or for any other reason, or if the candidate fails to meet any of the residency and academic requirements, or if the candidate refuses to take office, that office shall be assumed by the candidate who received the next highest number of votes in the election. This process shall continue

until there are no eligible candidates to assume the office. If there are no eligible candidates to assume office, the office shall be considered vacant and shall be filled in accordance with ASI BYLAWS. Students who are appointed to office must have been able to meet all eligibility requirements that a student elected to the office in the past election would have been required to meet at the time of the election. This succession rule only applies to seating of Board vacancies through the election process.

If the Elections Complaint Committee or Appellate Council has rendered any final decision with respect to the Annual General Election, all actions of the ASI President must be in full compliance with all such decisions.

**The ASI Oath of Office**

The ASI President shall administer the Oath of Office. If the incumbent ASI President is also the incoming ASI President, the ASI Oath of Office shall be administered by the next ranking ASI Board officer who was not a candidate in that election. If all incumbent ASI Board Officers were candidates, then the newly elected ASI Board members shall be seated by a non-officer incumbent ASI Board member to be determined by alphabetical order of last names. If all ASI Board members were candidates, then the newly elected ASI Board members shall be seated by the ASI Executive Director.

## **Appendix I**

### **FAIR HEARING PLAN**

This Fair Hearing Plan governs the hearing and disposition of complaints or appeals under the Elections Code by the ASI Elections Complaint Committee (“Committee”) or the ASI Appellate Council (“Council”).

#### **A. Conduct of Public Hearing of Complaints**

##### **1. Time in Which to Hold Hearing**

Hearing shall be convened by the Committee/Council within fifteen (15) calendar days following receipt of an elections complaint or appeal in accordance with the provisions of the Elections Code.

##### **2. Notice of Complaint Hearing**

Notice of the time, place and date of the hearing shall be posted by the ASI Government Office on the bulletin board outside the ASI Government Office five (5) calendar days before the hearing. A copy of the complaint or appeal including the remedies sought shall be posted at the location. Notice of the time, place and date for a public hearing of an election complaint or appeal shall be emailed by the Committee or Council Chair five (5) calendar days before the hearing to the persons named in the complaint.

##### **3. Public Hearings**

All Committee or Council proceedings, except deliberations, preliminary planning sessions at which no action on complaints can be taken, and determination of jurisdiction shall be open to the public.

##### **4. Record Hearing**

At the beginning of the hearing, the Committee/Council Chair shall identify the Committee/Council members, including any abstentions, the complaints/appeals that will be heard at the time, the remedy sought in those complaints/appeals, and then briefly describe the hearing procedures and decision-making process.

The Committee/Council shall make a tape recording of oral statements made and questions asked at the hearing. Either a regular staff employee of ASI of Sacramento State or a non-candidate student volunteer or student assistant may operate the tape recording equipment, but the Vice President for Student Affairs or designee shall maintain custody of the tape recording during and after the hearing. The records shall be kept for a period of at least one (1) year. During the course of the hearing, the Chair of the Committee/Council shall require speakers to identify themselves and to briefly state their connection to or interest in the complaint/appeal.

Documents submitted in support of or opposition to a complaint/appeal shall be part of the hearing record.



## **B. Presentation of Evidence**

### **1. Testimony**

Any complaining/appealing party or any witness may testify about his or her personal knowledge of facts that support or refute a complaint/appeal. Individuals offering testimony shall identify themselves and their connection to or interest in the complaint/appeal.

### **2. Documents**

Any interested person may submit documents in support of, opposition to, or otherwise related to a complaint/appeal to the Committee/Council Chair prior to or during the hearing. Documents submitted should bear a title and the name of the submitter and a brief statement of the submitter's connection with or interest in the complaint/appeal. When submitting the formal complaint/appeal, only one copy of each document should be submitted. When submitting documents during the hearing, five copies of each document should be submitted.

### **3. Receipt of Evidence**

When receiving evidence, the Committee/Council will first receive evidence in support of the complaint/appeal followed by evidence in opposition to or otherwise related to the complaint/appeal. Documents submitted to the Committee/Council shall be assigned numbers reflecting the order in which they were received.

### **4. Examination of Witness**

The formal hearing(s) shall be conducted in accordance with the following procedures:

The Chair will preside over the hearings, but must allow the members their right to question and raise points in the meeting.

The complaining/appealing party shall verbally present their arguments and then the defendant will do the same.

Following presentations of arguments, the Committee/Council will hear the complaining/appealing party's case. Then the defendant will present their case.

Following presentations of each party's case, evidence and testimony, and rebuttals will be in order, alternating complaining/appealing party to defendant.

After all rebuttals have been heard, closing arguments will be in order. The complaining/appealing party will close first, followed by the defendant.

## **C. Remedies/ Burden of Proof**

Elections Complaint Committee:

After a complaint hearing, the Committee shall have the authority to order any remedy it determines is appropriate within the limitations set forth in the Elections Code.

If the Elections Code specifies a remedy for a specific violation, the Committee shall only have authority to determine whether a violation has occurred and must impose the remedy stated in the ASI Elections Code.

No decision of the Committee shall take effect or shall become final until after the time in which to appeal has ended, or the Appellate Council upholds the decision.

The Committee shall not have authority to fine a student more than \$50.00. Any fines shall be donated to the ASI Scholarship Fund.

Appellate Council:

After an appeal hearing, the Council shall have the authority to order any remedy it determines is appropriate within the limitations set forth in the Elections Code or BYLAWS.

The Council can either uphold or overturn the Elections Complaint Committee decision in addition to ordering any other remedies.

### **Burden of Proof**

The burden of proving a complaint/appeal alleging a violation of the Elections Code, ASI BYLAWS or other election irregularity shall lie with the party or parties making the complaint/appeal.

For Elections Complaints only:

The level of proof required is a preponderance of the evidence, which shall mean that the evidence shows that it was more likely than not that a violation occurred. If the Committee awards a remedy of disqualifying a candidate, invalidating an election, or fining a student, the level of proof required is clear and convincing evidence, which shall mean that the evidence leaves no substantial doubt as to the veracity of the claim.

## **D. Deliberations**

### **1. Time and Place for Submitting a Decision**

The Committee/Council may conduct its deliberations in closed session. The Committee/Council shall issue a separate written decision on each complaint/appeal no later than 5:00 p.m. of the tenth (10<sup>th</sup>) academic day after the final hearing of the

complaint/appeal. Committee/Council decisions shall be submitted to the VPSA for review and approval and the ASI Executive Director shall make the decisions available to the public.

## **2. Consultation and Advice**

The Elections Complaint Committee and its members may not consult the Appellate Council and its members during complaint processes.

The Elections Complaint Committee and/or the Appellate Council may seek consultation from qualified experts on technical matters beyond their expertise.

## **3. Contents of Decision**

Each written decision of the Committee/Council shall contain:

A statement of the complaint(s)/appeal;

A summary of the testimonial and documentary evidence received at the hearing in support of the complaint/appeal;

A summary of the testimonial and documentary evidence received at the hearing in opposition or rebuttal to the complaint/appeal;

A summary of witnesses' testimony;

A statement of the remedy requested;

For election complaint decision, a statement of the burden of proof the complaining party or parties was required to meet (either a preponderance of evidence or clear and convincing proof, depending on the type of relief requested);

A conclusion as to whether the complaining/appealing party or parties met the applicable burden of proof; this part of the decision shall include a brief summary of the reasoning supporting the Committee's/Council's conclusion as well as a vote count depicting how many members were for or against the Committee's/ Council's conclusion;

A statement of the relief granted, if any, or a statement that relief is denied because of inadequate proof in support of the complaint/appeal or that the complaint/appeal is without merit.

## **E. Finality of Committee/Council Decisions**

All decisions of the Committee may be appealed to the Appellate Council.

### **1. Time and Place for Filing an Appeal**

All appeals from decisions of the Committee must be filed via JotForm no later than 4:00 p.m. on the third academic day after the Committee issues its written decision and the ASI Executive Director has made that decision public.

All decisions of the Appellate Council, once reviewed and approved by the VPSA, are final and binding, and cannot be appealed.