

## TITLE IX Election Code

### *Mission Statement:*

We, the Associated Students, support a democratic, fair, and open electoral process. The purpose of this Election Code is to:

- Provide equal access to any and all with the inclination, qualification, and dedication to serve;
- Promote an efficient and high-turnout election that promotes positive response among the student body; and,
- Prevent foul play that intentionally distorts the process of having a free and fair election.

### Chapter 1 Election Committee

§1.1 The Advocate General shall chair the Election Committee.

(a)The Advocate General shall not be a candidate for elected office or publicly support or oppose a candidate, slate or referendum for that year's election.

(b)Responsibilities:

- (1)Organize campus wide publicity for the upcoming election in order to solicit candidates;
- (2)Inform the student body of relevant information concerning the dates, times, and locations of voting;
- (3)Assist the Clerk in publishing the complete list of candidates, candidate statements and referenda for public viewing;
- (4)Work to increase voter turnout through the publicizing of the election and ensuring the fairness and streamlining of the election;
- (5)Schedule, coordinate and publicize candidate debates, referenda information, speeches and forums, including at least one presidential debate;
- (6)Work with the Clerk to ensure the proper maintenance of all election financial records, complaints, violations and other documents pertaining to the election;
- (7)Enforce the bylaws of this election code.

(c)If a situation arises that is not provided for in the election rules, the Advocate General has the authority to make a decision that is consistent with the spirit of the purpose of the Election Code, cited in the Mission Statement. The Election Committee may overrule the Advocate General in this regard by a majority vote.

### §1.2 Election Committee Membership

(a)Appointment of the Election Committee

- (1)The membership of the committee shall consist of:
  - (a)Advocate General, who shall chair the committee;
  - (b)One representative from each college;
  - (c)The College Councils shall select one representative to serve on the Election Committee;
  - (d)The College Councils shall select an Election Committee representative and send their selection to both the Advocate General and the Clerk by the end of week 3 of Winter Quarter;
  - (e)The representative from each college shall not be the college election manager.

- (2)The Advocate General shall appoint a vice-chair of the committee; only Election Committee members are eligible to serve as the vice-chair;
- (3)The Election Committee shall not be candidates for elected offices, publicly support or oppose any candidate, slate, or referendum in that year’s election;
- (4)The Election Committee shall dissolve when the new Council takes office.
- (b)Removal of Election Committee Members
  - (1)Once the Election Committee has been appointed, only the Judicial Board shall have the authority to remove members of the Election Committee;
  - (2)The Judicial Board shall remove members of the Election Committee if they cannot or have not faithfully performed their duties.
- (c)The President shall not be a member of the Election Committee.
- (d)Responsibilities of the Election Committee
  - (1)Assist the Advocate General with the planning and execution of the election;
  - (2)Work at the main polling location as determined by the Advocate General;
  - (3)Distribute promotional materials campus wide;
  - (4)Perform any other duties as directed by the Advocate General.

## Chapter 2 Mechanics of the Election

### §2.1 Voting Period

- (a)Voting shall begin at 10 am Monday, second week Spring Quarter, and end at 4 pm on Friday, second week Spring Quarter.

### §2.2 Manner of Voting:

- (a)Voters shall cast their vote on TritonLink.
- (b)Official Ballot:
  - (1)Referenda questions, candidate elections for office, and survey questions may appear in a general election.
- (c)Immediately prior to the first candidate, the ballot should detail what it means to accept or decline voluntary spending limits, including the amounts of the ASUCSD election spending limits.
- (d)Candidates shall appear grouped by office. The order in which the candidates appear within their individual grouping will be electronically randomized for each voter.
  - (1)Next to each candidate’s name, the following shall appear:
    - (a)A hyperlink to a new window with the Candidate Statement;
    - (b)Candidate Affiliation;
    - (c)The phrase “Accepted Voluntary Spending Limits” if the candidate has accepted voluntary spending limits or the phrase “Declined Voluntary Spending Limits” if the candidate has declined voluntary spending limits;
    - (d)Only if the candidate receives a public notice sanction, detailed in Section 5.5.a., will the phrase “Candidate has been found guilty of violating election bylaw(s)” appear and a hyperlink to a new window will list the corresponding offense(s).
    - (e)Candidate picture if available.
- (e)For Academic Division Senators and Officers:
  - (1)Voters shall rank the candidates for an office when there are three or more candidates in a race. The number of ranks available to the voter will be equal to

the number of candidates running for that office. A voter does not have to use all of the ranks. A voter's candidate selections are not recorded until the voter completes the entire voting process.

(2) In the case of a single person election, the number of ranks available to the voters will be equal to two, thereby allowing the voter to mark 'abstain'.

(f) For Campus-Wide Senators and A.S. College Senators:

(1) To vote for a candidate, voters will select the checkbox next to the name of the candidate. The number of candidates a voter may cast a vote for in a race is equal to the number of seats in that race.

(2) A voter's candidate selections are not recorded until the voter completes the entire voting process.

### §2.3 Polls

(a) Official Polling Locations: Any location created by the ASUCSD Elections committee with the express purpose and capability of recording votes.

(1) The Election Committee shall determine the official polling locations and hours of operation;

(2) The official polling locations and hours of operation shall be well publicized by the Election Committee;

(3) Once announced, the official polling locations and hours of operation may not be changed except with good reason.

(b) Personal computers not in use by the Election Committee shall not be considered Official Polling Locations.

(c) The Official Polling Locations shall contain several laptops for voters to use to cast their vote. However, voters do not have to go to the official polling locations to cast a vote; they may use any internet-enabled computer to cast their vote at any time during the voting period.

(d) A 50-foot area around the Official Polling Locations will be clearly marked by the Election Committee.

(e) At the time designated for the close of the official polling locations, those already in the process of voting shall be allowed to complete the voting process.

### §2.4 Tabulation

(a) TritonLink shall tabulate the results immediately after the close of the polls on the last day of voting.

(b) For the Academic Division Senators and the Officers, the winner of each candidate election shall be determined by Single Transferable Voting using the Droop quota with fractional vote transfer. For Campus-Wide Senators and College Senators, the number of candidates as there are seats who have the greatest number of votes are the winners. For fee referenda and review referenda questions, the option receiving the greatest number of votes is the prevailing option. For other referenda questions, the Council shall interpret and properly apply the results.

(c) In races determined by Single Transferable Voting, if the election results in a first place tie, the Advocate General shall declare the position vacant and call for a run-off election.

(d) In races determined by Single Transferable Voting, if two candidates are tied for last place, TritonLink election software will randomly eliminate one of the candidates.

(e) Any mathematically unviable candidates will be eliminated.

- (f) TritonLink shall deliver the election results to a representative of UCSD Student Affairs.
- (g) Under no circumstances should the Advocate General be made aware of the election results before all pending complaints are resolved.

#### §2.5 Certification

- (a) The election results become official upon certification of the results by the Advocate General. The Advocate General shall certify the election results by signing the official copy of the election results and delivering them to the President.
- (b) The Advocate General may not certify the election results until there are no pending election violation complaints in the enforcement process. If an appeal to the Appeals Board from a decision of the Judicial Board is sustained after the Advocate General has certified the results, the Advocate General shall recertify the results incorporating the decision.
- (c) The Advocate General may not certify the election results until the Advocate General believes that enough campaign materials have been removed.
- (d) The Advocate General shall prepare and sign a “Certificate of Election” for all elected candidates.

#### §2.6 Announcement and Publication

- (a) The election results shall be announced in a location determined by the Advocate General immediately following the certification of the results.
- (b) The Advocate General shall notify the President of the results of the election.
- (c) The election results shall be posted on the ASUCSD website.

### Chapter 3 Participation in the Election

#### §3.1 Filing for Candidacy

- (a) Filing period. The filing period for candidates shall begin at noon on Monday of fifth week Winter Quarter and at end noon on Wednesday of ninth week Winter Quarter. If either of these days are a holiday, the deadline shall be the next day.
- (b) Eligibility. A candidate must meet the eligibility requirements articulated in the Constitution for that office in order to be a candidate in the election. The Clerk will verify eligibility of all candidates twice: once at the end of the filing period and once the week before voting begins. If a candidate is found to be ineligible for office, that person will be immediately so notified by the Advocate General.
- (c) Single office restriction. Because the Constitution requires that no person may hold more than one voting position, no person is permitted to file for candidacy for more than one voting position on the Council.
- (d) Candidate forms. Candidates must submit the forms listed below in this subsection by the end of the filing period. Candidates may not falsify any information on the forms.
  - (1) The intent form must include the candidate’s affirmation that they will adhere to the election rules and any information provided in the mandatory candidate’s meeting.
  - (2) Voluntary spending limit contract.
  - (3) Candidate Endorsement Petition: Candidates for an Officer position must collect 150 signatures of members of the ASUCSD. Candidates for Senator positions must collect 50 signatures of members of the ASUCSD.
  - (4) Candidate Statement (submitted online): Candidates for Officer positions are allowed up to 1500 non-white space typographical characters and candidates for

Senator positions are allowed up to 500 non-white space typographical characters.

### §3.2 Withdrawal as a Candidate

- (a) A candidate may withdraw from the election by informing the Advocate General in writing. The Clerk and the AS Programmer shall be copied on the correspondence for recording and processing.
- (b) If a candidate withdraws from the election, none of the votes the candidate receives will be counted towards the candidate and every effort will be made to remove the candidate's name from the ballot.
- (c) Candidate withdrawals are effective as soon as they are submitted to the Advocate General and shall remain effective for the duration of the election.

### §3.3 Mandatory Candidate Meeting

- (a) A meeting of all the candidates shall be held ninth week of Winter Quarter after the end of the filing period and conducted by the Advocate General.
- (b) The meeting is mandatory for all candidates to attend and candidates are responsible for all information given during the meeting. If a candidate is unable to attend the meeting, the candidate must have a proxy attend in the candidate's place. A person may serve as a proxy for only one candidate.
- (c) During the meeting, the candidates will be introduced to the Election Committee, and informed of the administrative and logistical details of the election, including the election calendar.
- (d) Pictures for the ballot of the candidates will be taken at the meeting. If a candidate is not present, they may have their picture taken in a location determined by the Election Committee by a deadline determined by the Advocate General to have it appear on the ballot.

### §3.4 Slate Formation and Affiliation

#### (a) Registration

- (1) All slates may register online starting Monday of fifth week of Winter Quarter, and may continue to form until the filing period for candidates ends. They must submit the following in their registration:
- (2) A slate platform and a governing structure of the slate (such that if any disputes arise in how the slate is run they can be resolved).
- (3) A primary representative for the elections committee to contact.
- (4) A slate name, which shall not exceed 40 (forty) non-white space typographical characters.

#### (b) Entry

- (1) For a candidate to join a slate, they must be included on the slate authorization form and must designate that they are on the slate when they file their papers.
- (2) A candidate may only join one slate, and the slate name must appear identically for all candidates on the same slate.
- (3) Candidates may withdraw from a slate until the voting period begins by informing the Elections Committee, the AS Programmer, and the Clerk in writing. Every effort will be made to put the candidate's affiliation as "independent" unless the candidate fills out slate authorization paperwork with another slate.

### §3.5 Slate Regulations

- (a) Slates will adhere to the following rules:
  - (1) Slates may not receive funding from ASUCSD;
  - (2) A slate may not use the same name and likeness as a registered student organization;
  - (3) Slates may not use the student org listserv;
  - (4) Slates shall not be listed with other student orgs in the CSI registry.
- (b) If there is an internal dispute as to the membership, governance, or nominations made by a slate, a party within the slate may ask the ASUCSD Election Committee to adjudicate based on the slate's submitted governing structure.
- (c) The Election Committee may determine if a slate's name is too similar to the name of an existing slate. Acquisition of slate names is done on a first-come-first-serve basis, unless a continuing slate from a previous year exists with a given name and plan of succession, in which case that slate shall have priority over the name.
- (d) If the governing structure of a slate is contrary to university policy, the Election Committee shall request that it be changed. If the slate disagrees with this, they may appeal the decision to the Judicial Board.
- (e) This Election Code and the processes and procedures outlined in it shall supersede any processes and procedures outlined in the slate's governing structure.

### §3.6 Non-Election Period Slate Regulations

- (a) After an election is over, a slate may, consistent with its governing structure, choose a student or students who shall have first priority to re-register the slate's name and likeness the following year. The primary representative of a slate shall email the Clerk to inform them of a transfer of agency from one student to another.
- (b) In this email the primary representative informs the Clerk of the persons and procedure by which the slate name and likeness will be maintained.
- (c) If a process by which to carry on the slate's name and likeness is not sent to the Clerk, then the slate's name is available the following year without priority to any previous members.

## Chapter 4 Campaign Conduct and Regulations

- (a) Every campaign conduct regulation will be based upon the following purposes, as outlined in the Mission Statement:
  - (1) To promote an efficient and high-turnout election that promotes positive response among the student body. These rules shall be referred to as "Fair Play Rules".
  - (2) To prevent foul play that intentionally distorts the process of having a free and fair election. These rules shall be referred to as "Streamlining Rules".

### §4.1 Candidate and Slate Conduct Regulations

#### (a) Definitions

- (1) **Campaigning:** Any action that is undertaken in order to influence, positively or negatively, the decision of a prospective voter. Campaigning includes conduct online, in person, or by promotional materials. The recruitment of individuals to run for a particular office and the collection of signatures to qualify for an office does not constitute campaigning, so long as these actions do not actively endorse or oppose any candidate, slate, or referendum.
- (2) **Slate-Building Activity:** Recruiting slate members, writing slate platforms,

fundraising and securing resources necessary to the carrying out of a campaign. Slate-Building Activity and Campaigning shall be considered mutually exclusive. Slate-Building Activity may not be used to fulfill the goals of campaigning prior to the campaigning period.

(b) Fair Play Rules

- (1) Candidates, slate affiliates, or those acting on their behalf may not willfully deface, move, or remove from their places campaign materials of any other candidate or slate. Violation of this rule shall be considered a moderate to severe offense, with possible sanctions including compensation for damages, Proscribed Advertising, and Public Notice. For egregious or repeated violations, Disqualification shall be considered.
- (2) Information intended to mislead or deceive voters as to the mechanics of the election shall not be written on any campaign material. The severity of the sanction shall depend on its impact on the election at the discretion of the Judicial Board.
- (3) Candidates, slate affiliates, or those acting on their behalf, may not make deliberately false and malicious statements or advertisements about other candidates or slates. In instances of minor violations, this may be punished with Proscribed Advertising. In instances of major violations, a Public Notice or a Disqualification shall be considered.
- (4) Candidates, slate affiliates, or those acting on their behalf may not tamper with the tabulation of votes to add or subtract votes from a candidate or slate in such a way that results in more or less than one vote per voter. In cases in which this occurs, Disqualification shall be considered.
- (5) There shall be no campaigning within 50 feet of Official Polling Locations. Notwithstanding, wearing clothing or accessories that advertise any candidate or slate shall be permitted as long as the individual is not perceived as campaigning. A moderate sanction, such as Revocation of Locational Privileges, is suggested for an initial violation, though repeated violations by a slate may result in longer and more widespread Revocations of Locational Privileges or more severe sanctions.
- (6) Use of ASUCSD offices, services, enterprises, physical resources, or equipment to campaign is prohibited. Any individual with a position in ASUCSD may be impeached or removed from office if found guilty of violating this rule or helping a candidate or slate violate this rule. If a slate violates this rule in a minor sense, it shall forfeit and pay a fair market value for all resources obtained in violation of this section. If a candidate or slate violates this rule in such a manner as to potentially change the outcome of the election, a Public Notice or Disqualification shall be considered.

(c) Streamlining Rules

- (1) The campaign period for candidates begins at the conclusion of the Mandatory Candidates Meeting ninth week of Winter Quarter and ends when the polls close on the final day of voting. Candidates and any person acting on behalf of a candidate may only campaign during the campaign period. Violation of these rules shall result in a Revocation of Time or Location Privileges.
- (2) All campaign materials must include a clearly discernible phrase which shall be

composed of “VOTE”, followed by either “ON” or “AT” or “USING” or “VIA” or “THROUGH” or “THRU”, followed finally by either “TRITONLINK” or “TRITONLINK.UCSD.EDU” or “HTTP://TRITONLINK.UCSD.EDU”.

Violation of this rule shall result in a warning. If the warning is willfully and repeatedly violated, a sanction such as Proscribing Advertising may be imposed.

- (3) Candidates, Slate affiliates, or those acting on their behalf may not post any campaign materials in violation of applicable university posting policies. University Centers posting policies may be found at the following link: [http://universitycenters.ucsd.edu/documents/pc\\_posting\\_policies.pdf](http://universitycenters.ucsd.edu/documents/pc_posting_policies.pdf). Sanctions for violations of university posting policies may include warnings, Revocation of Time or Location Privileges, and responsibility for whichever penalties are assessed by the university for violations of its posting policies.
- (4) Use of equipment that amplifies sound is prohibited within 150 feet of official polling locations when voting is taking place. Sanctions for violations of this rule may include Revocation of Time and Location Privileges.
- (5) Dormstorming and/or Unsolicited campaigning in residence halls or on-campus apartments shall be prohibited. Resident Advisors and/or University staff may not authorize candidates to “dormstorm.” Possible sanctions for violations of this rule shall include extensive Revocation of Time and Location Privileges and Public Notice. For large-scale or repeated violations, disqualification may be considered.
- (6) Candidates, Slate affiliates, or those acting on their behalf may not campaign in any classroom or lab except when that location is being used for a student organization meeting. Notwithstanding, wearing clothing or accessories that advertise any candidate or slate in classrooms or labs is permitted. Possible sanctions for this rule include Revocation of Time or Location Privileges.

#### §4.2 Campaign Finance Rules

- (a) No University or ASUCSD allocated funds may be used in support of or against a candidate or slate, except that this restriction does not apply to any print or electronic media editorial funded by ASUCSD allocated funds.
- (b) Campaign contributions may not be accepted from any source not affiliated with UCSD, with the exception of the personal funds of the immediate family of a candidate.
- (c) Voluntary Spending Limits
  - (1) Candidates Not on Slates. If any candidate has accepted voluntary spending limits and is not on a slate, the candidate may not spend more than \$500 if running for an Officer position or \$200 if running for Senator. Each candidate not on a slate that accepts voluntary spending limits must submit a campaign financial report as described below to the Clerk.
  - (2) Candidates on Slates. If any candidate on a slate accepts voluntary spending limits, the slate and all candidates on it are bound by the voluntary spending limits. In this case, the total expenditures for the slate may not exceed the sum of \$250 for every candidate running for an Officer position on the slate plus \$100 for every Senator running on the slate. A slate must file a campaign financial report as described below with the Clerk for the whole slate.
  - (3) Campus-Wide Slates. If a slate has members running for college-specific positions, those members may contribute to the campaign funds for that slate,

provided that the total amount of expendable funds for that slate may not exceed \$3500, the maximum amount of funds that would be allowed if a slate had candidates for all officer and senator positions.

- (4) If a candidate withdraws from the race more than two weeks before the final day of voting, the slate may not use any of the withdrawn candidate's actual or potential funds towards the calculation of the slate's spending limit. If a candidate withdraws more than one week before the final day of voting, the slate may use 1/2 of the withdrawn candidate's actual or potential funds towards the calculation of the slate's spending limits. If a candidate withdraws less than one week before the final week of voting, the slate may use all of the withdrawn candidate's actual or potential funds towards the calculation of the slate's spending limits. This section is intended to ensure that slates will not be adversely affected by the untimely withdrawal of a candidate. However, abuses of this provision will be taken seriously by the Election Committee and if a slate is found responsible for attempting to postpone the timely filing of a withdrawal for the sole purpose of retaining a portion of the withdrawn candidate's funds, the Election Committee may impose any appropriate sanction, up to and including disqualification of the slate.

(d) Campaign Financial Report. This subsection shall only apply if the candidate or slate has accepted voluntary spending limits.

- (1) An original receipt, one sample of each piece of all campaign materials produced, and an itemized Campaign Expense Record form must be submitted at the weekly campaign finance meeting as determined by the Election Committee. Campaign materials posted after the weekly campaign finance meeting must be submitted at the next scheduled weekly campaign finance meeting.
- (2) Prior to being worn by any person to campaign, an original receipt for all clothing produced and an itemized Campaign Expense Record must be submitted.
- (3) All items used in the campaign must be included in the itemized Campaign Expense Record. The use of residences, personal phone, staples, staple guns, tape, and tacks are exempt from this requirement and do not have to be reported.
- (4) The fair market estimated value of donated items, supplies, or services by a person other than a candidate must be itemized on the Campaign Expense Record, and this fair market estimated value shall be applied against the voluntary spending limits as if it were an expenditure. The Election Committee will determine the fair market value. In determining the fair market value, the Advocate General shall depreciate any items that were not purchased new during the current election. This shall include, but is not limited to, old campaign materials used in previous year's elections.
- (5) All slate contributions from candidates, as defined earlier, as well as all slate expenditures on campaign materials, shall be listed online in the same manner as the members of the slate and slate name. It will be the responsibility of the Advocate General to tabulate these numbers online in a timely fashion
- (6) Slate materials may be used after the Advocate General signs off on them; i.e. candidates do not have to wait for both this approval and for the online data

entry beforehand

## Chapter 5 Enforcement of the Election Code

§5.1 The Election Committee shall have the authority to prosecute violations of the election code.

### §5.2 Report of a Violation

- (a) Any member of the ASUCSD may report a violation of this Election Code by use of the Election Code Violation Report Form available at [as.ucsd.edu](http://as.ucsd.edu).
- (b) The form shall consist of the following:
  - (1) The contact information of the student filing the complaint (not to be made public);
  - (2) The specific line of election code violated;
  - (3) The logistical (date, time, location) information regarding the alleged violation;
  - (4) A detailed description of the alleged violation;
  - (5) Any relevant evidence of the alleged violation.
- (c) If any part of the form is incomplete, the Election Committee shall not consider the complaint. If the Election Committee unanimously votes that the issue is urgent, and that immediate consideration is necessary to the carriage of justice, they may make an exception to this rule.
- (d) In order to be considered, complaints must be filed within two days of evidence of the violation emerging to the complainant. Only a unanimous consensus of the Election Committee may overturn this for the purpose of upholding a fair election.

### §5.3 Processing of an Alleged Violation

- (a) The Election Committee must post the status of all complaints and allegations on the Elections Website.
- (b) Upon receipt of an allegation, the Election Committee must investigate the allegation and determine whether or not there is evidence to support the allegation.
- (c) After receiving an allegation, the Election Committee will notify the party that has been alleged to have violated the Election Code.
- (d) The Committee shall, after its investigation, conclude based on the evidence either that it is likely that a violation has occurred or that it is likely that one did not occur.
- (e) If the Committee concludes that based on the evidence it is unlikely a violation occurred, it shall notify both the filer and the alleged violator of its findings and all records of the allegation shall be removed.
- (f) If the Committee concluded that the evidence supports the allegation, it shall either issue a warning to the violator in the case of minor violations or press for sanctions through the Election Code Violations Hearing Process (detailed in §5.3).

### §5.4 Election Code Violations Hearing Process

- (a) The Election Committee, if it deems sanctions are necessary, shall bring the case to the AS Judicial Board.
  - (1) The AS Judicial Board shall meet prior to the beginning of the campaign period to be trained by the Clerk on the Election Code.
  - (2) The AS Judicial Board shall publicly announce regularly scheduled hearing times at the beginning of the campaign period, including at least four separate days during Spring Quarter Weeks 1 and 2.
- (b) The Election Committee shall serve as the petitioner to the Judicial Board in the hearing

while the candidate or slate that is alleged to have violated the code shall be the respondent.

- (c) The AS Advocate General will be the representative of the Election Committee, unless he or she appoints a member of the Election Committee as the representative at the hearing. No slate or candidate shall represent the petitioner.
- (d) The respondent slate or candidate may appoint a representative to present their case during the hearing.
- (e) Hearings shall follow the standard Judicial Board Process and Procedures in the bylaws.
- (f) After the hearing, the Judicial Board shall issue a ruling on whether or not the respondent slate or candidate has violated the Election Code.
- (g) If the respondent is found responsible, the Judicial Board shall decide the sanctions with the recommendation of the Election Committee.
- (h) The Judicial Board shall not impose sanctions that are not allowed for in this Election Code.

#### §5.5 Appeals

- (a) The Elections Appeals Board will be composed of the chairs of each College Judicial Board. If a Judicial Board Chair is a candidate or is affiliated with any slate or candidate, they shall be replaced by a vote of all members of their judicial board who are not affiliated with a slate or candidate.
- (b) An appeal can be made of the AS Judicial Board's decision by either:
  - (1) Appealing the sanctions set by the AS Judicial Board.
  - (2) Appealing the decision of the AS Judicial Board through demonstration that the AS Judicial Board acted inappropriately. This includes, but is not limited to: 1) A decision rendered by a Judicial Board member who is a candidate or who has publicly endorsed a slate or candidate. 2) Evidence of partiality in the election by a member of the Judicial Board.
- (c) The Appeals Board shall hear cases only after the Judicial Board has issued a ruling.
- (d) The Appeals Board shall decide to hear a case if at least three members of the Appeals Board vote to hear said case.
- (e) The Appeals Board shall have access to all rulings and recordings by the Judicial Board and the Election Committee prior to deciding whether or not to hear a case.
- (f) The Appeals Board shall have the authority to either impose a new sanction or to overturn the sanction of the AS Judicial Board. The Appeals Board has sole jurisdiction over whether or not the Judicial Board acted inappropriately, and this decision cannot be appealed further.
- (g) Should any vote of the Appeals Board result in a tie, the decision or sanction of the Judicial Board shall remain in place.

#### §5.6 Public Record

- (a) The Election Committee shall post the status of each case in a timely manner on the AS Elections Website.
- (b) The Election Committee shall post the status of each complaint in a timely manner on the AS Elections Website.

#### §4.1 Possible Sanctions

- (a) Digital Publication of Wrongdoing. A candidate assessed with this sanction shall have a notice posted visibly on the Ballot giving notice to voters of their election misconduct. This sanction shall be hereafter referred to as "Public Notice;"

- (b) Campaign Spending Limit Restriction. If a candidate or slate that has accepted Voluntary Spending Limits is found to have violated campaign-finance-related procedures, this sanction may either be used to reduce the total amount the candidate or slate may spend in the election, or to prescribe a period of time in which the candidate or slate may not spend money;
- (c) Proscribed Advertising. This sanction, when applied, lays out a period of time in which a candidate or slate may not engage in a defined medium, or defined media, or campaigning, including flyering, postering, or digital postings;
- (d) Revocation of Time or Location Privileges. This sanction, when applied, specifies locations or times in which a candidate or slate cannot campaign;
- (e) Disqualification. In scenarios of egregious foul play, a candidate or a slate may be disqualified. This penalty may only be applied in the case of foul play violations; Disqualification may only be applied to an entire slate if there is a preponderance of evidence that the Slate encouraged the conduct violation in question or knowingly allowed it to happen. The rest of this chapter notwithstanding, if a candidate or slate repeatedly and willfully defies the rulings of the Judicial Board, the Appeals Board, and the Election Committee, disqualification may be considered;
- (f) Public Apology. In the case of minor offenses, recognition of wrongdoing, a commitment to alter the offending behavior, and a public apology during the election may be imposed.

## Chapter 5 Special Elections

### §5.1 Establishment of a Special Election

- (a) A Special Election may be called in order to take a vote on any number of referenda questions, as determined by the Council. Only referenda questions may appear in a special election.
- (b) The President has the authority to call a special election and set the dates for the election. The President must call the election no less than four weeks prior to the first day of voting.
- (c) The President shall call a special election by emailing the Clerk and the Council, detailing the following:
  - (1) The dates voting will take place; and
  - (2) The purpose for which the special election is being called.
- (d) Special elections may be cancelled by the President with consent of Council at any time.
- (e) Special Elections are bound by the same rules, regulations, and procedures as General Elections, as stipulated in Title IX of the ASUCSD Standing Rules, unless otherwise indicated within this chapter.

### §5.2 Election Committee

- (a) The Election Committee shall follow the same structure, composition, responsibilities, and rules as outlined in section 1.1 of these election codes, unless otherwise stipulated within this section.
- (b) The Election Committee shall be appointed in the same manner as in a general election, but must be appointed no less than two weeks prior to the start of the first day of voting.
- (c) The Election Committee designated for the Special Election shall dissolve when the results of the Special Election have been certified and there are no pending complaints.

### §5.3 Mechanics

- (a) Voting shall begin at 10am on the first day of voting and continue until 4pm on the last day of voting. At the time designated for the close of the official polling locations, those already in the process of voting shall be allowed to complete the voting process.
- (b) Voters shall cast their vote on TritonLink, in accordance with the ballot rules established in Section 2.

## Chapter 6 Authority

### §6.1 College Council Participation in an Associated Students Election

- (a) College Councils may choose to run an election on any Associated Students ballot, provided that the college meet all deadlines prescribed by the Advocate General and within these election rules;
- (b) The only voters eligible to vote in a College Election shall be the students thereof.
- (c) The Advocate General shall be responsible for collecting a complete list of positions, candidates, referendum questions, and slates for that College at the end of the filing period for candidates, or no later than two weeks before the first day of voting in a Special Election.
- (d) It is the responsibility of the College Council to submit any change in status of any ballot questions or candidates after the deadline, such as withdrawals or disqualification.
- (e) The College Council shall inform the Advocate General of whether the College shall use a plurality system or Single Transferable Voting System for its races. The ballot and tabulation for College Council ballots shall be the same as the Associated Students ballot.
- (f) All candidates on the Associated Students ballot must submit candidate statements, Slate Affiliation, and pictures in the same manner as any Associated Students candidates.
- (g) Candidates for College Council elections are allowed up to 400 non-white typographical characters in their candidate statements.

### §6.2 Election Committee and College Council Jurisdictions

- (a) College Councils shall be responsible for establishing their own rules, positions, and provisions in relation to elections. The Associated Students shall not sanction or involve itself with any candidate or referenda involved in a College Council election.
- (b) In the event that an elected position is both a college and Associated Students position, such as a college senator, that candidate shall be bound by all Associated Students rules, and the Election Committee shall have jurisdiction over their candidacy. College Councils shall create their own provisions relating to any such positions, and shall have the sole responsibility in enforcing any such provisions.
- (c) The Election Committee shall have full jurisdiction only over the Associated Students Election. The Colleges shall prescribe how to organize their own election process, so long as the Election Committee is not involved in any such process.
- (d) No member of the Election Committee shall be directly involved in any College Council Election process.
- (e) Should the election rules of any College and these election rules come into conflict, these election rules shall be superior. No College may disqualify any candidate for any Associated Students office, even if such an office is also an office on the College Council. Likewise, the Associated Students may not qualify any candidate for a College Council office.

### §6.3 Amendments

- (a) The Election Code may not be suspended nor amended from the beginning of a candidate filing period until the certification of the results for that election.

### Chapter 7 Referenda in a General or Special Election

#### §7.1 Approval and Eligibility of Referenda for an Election

##### (a) Fee Referenda

- (1) Any referendum question that proposes to establish, increase, reduce, or eliminate any campus-based student fee is considered a fee referendum question and must be approved by a two-thirds vote of the Council. Once approved, the fee referendum question will appear in the next election in which it is eligible.
- (2) Within five academic days after the fee referendum question has been approved by the Council, the President shall transmit a formal request for approval of the fee referendum to the Chancellor and any other relevant administrators. The Council may, by a majority vote, remove the fee referendum question from the ballot.
- (3) A fee referendum question is eligible to appear in a general election if approved by the Council no later than the end of the filing period for candidates.
- (4) A fee referendum question is eligible to appear in a special election if it is approved by the Council no later than six weeks before the first day of voting.

##### (a) Review Referendum Petitions

- (1) Upon submission to the President of a valid review referendum petition as described in the Constitution, separate referendum questions for each action of the Council petitioned for review shall appear in the next election in which it is eligible.
- (5) A review referendum question is eligible to appear in a general election if the review referendum petition is submitted to the President before the end of the filing period for candidates.
- (6) A review referendum question is eligible to appear in a special election if the review referendum petition is submitted to the President at least two weeks before the first day of voting in a special election. Council must make every reasonable effort to include an eligible review referendum on the ballot.
- (7) If the review referendum question is not eligible to appear in an election within the timeframe required by the Constitution, the President must call a special election to take place within the timeframe required by the Constitution and in which the review referendum question would be eligible.

(5) Every member of the ASUCSD is eligible to vote in review referendum questions.

##### (b) Other Referenda

- (1) Any referendum question that is neither a fee referendum question nor a review referendum question must be approved by a majority vote of the Council. Once

approved, the referendum question will appear in the next election in which it is eligible. These referenda shall not be binding on council.

- (2)The Council must approve the options that will be available for voters to select when voting and how many of those options a voter may select in the referendum question.
- (3)The referendum question is eligible to appear in a general election if approved by the Council no later than the end of the filing period for candidates.
- (4)The referendum question is eligible to appear in a special election if approved by the Council no later than two weeks before the first day of voting.
- (5)Every member of the ASUCSD is eligible to vote in such referendum questions.

#### §8.2. Official Ballot

- (a)Referenda shall appear after any candidate elections for office

#### (c)Fee Referenda

- (1)For each fee referendum question, only the options “yes”, “no”, and “abstain” shall appear after the language of the referendum approved by the Council. A voter must select exactly one of the options.
- (2)Pro and Con statements for each fee referendum question shall be presented to the voter. The maximum length for the pro and con statements shall each be up to 1500 non- white space typographical characters. Rebuttal statements shall also be presented to each voter, which shall each be up to 500 non-white space typographical characters. The Advocate General shall assign the submitters of the pro and con statements, except that the Election Committee may override the decision of the Advocate General with good cause. If multiple individuals or groups wish to write a pro statement, or if multiple individuals or groups wish to write a con statement, the Advocate General may choose which individual of group shall pen the statement, based on the following criteria:
  - (a)Sincerity of the individual or group in supporting or opposing the referendum
  - (b)Undergraduate representatives on committees that are proposing the referendum shall have first opportunity to write the pro or con
  - (c)Sponsors or legislative opponents of the proposed referendum on AS Council shall have the next-highest priority
  - (d)Student Organizations that will be most affected directly in a financial sense shall have the next-highest priority in writing a pro or a con
  - (e)Groups of interested undergraduate students shall have the next-highest priority, followed by individuals
- (3)A vote in any fee referendum question is not recorded until the voter completes the entire voting process (though they are not required to vote in every election).

#### (d)Review Referenda

- (1)When a review referendum petition is submitted, each action of the Council that is being petitioned for review shall be on the ballot as a separate review referendum question. Each question shall be worded as neutrally as is feasible, and must refer to a specific action taken by council to be valid. If the elections committee unanimously finds that a review referendum does not conform to this, they shall, as early as is feasible, give the drafters of the review referendum the opportunity to change the wording.

- (2) Each review referendum question shall be phrased as “Do you approve the following action of the Associated Students Council?” with the text of the action of the Council following.
- (3) Only the options “yes”, “no”, and “abstain” shall appear after the language of each review referendum question. A voter must select exactly one of the options.
- (4) Pro and Con statements for each review referendum question shall be presented to the voter. Pro and Con statements shall follow the rules for pro and con statements outlined in Chapter §8.2., section (b)(2) of this title
- (5) A vote in any review referendum question is not recorded until the voter completes the entire voting process.

(e) Other Referenda

- (1) For referendum questions that are neither fee referendum questions nor review referendum questions, only the options approved by the Council shall appear after the language of the referendum approved by the Council. The number of options a voter may select shall be determined by the Council.
- (2) The President shall determine if pro and con statements are to appear with each such referendum question. If pro and con statements are to be presented to voters with the referendum question, they shall follow the rules for pro and con statements outlined in Chapter §8.2., section (b)(2) of this title.

§7.2 Campaign Procedures for Referenda

(a) Fair Play Rules: Rules designed to prevent foul play that intentionally distorts the process of having a free and fair election. These rules shall be referred to as “Fair Play Rules”.

- (1) Anyone campaigning must abide by any decision, order, or penalty of the Election Committee while campaigning.
- (2) Campaigns or someone acting on behalf of campaigns may not willfully destroy, deface, move, or remove from their place posters, signs, flyers, banners, or campaign materials of any other campaigns.
- (3) Information that is intentionally and provably false may not be written on any campaign material. Only by a unanimous decision may the election committee pursue this offense.
- (4) Campaigns or someone acting on behalf of campaigns may not tamper with or improperly influence the distribution, collection, tabulation, or storage of the election ballots.

(b) Streamlining Rules: To promote an efficient and high-turnout election that promotes positive response among the student body. These rules shall be referred to as “Streamlining Rules”.

- (1) Campaigning may begin when the Council approves the referendum question or when the review referendum petition is submitted.
- (2) All campaign materials must include a clearly discernible phrase which shall be composed of “VOTE”, followed by either “ON” or “AT” or “USING” or “VIA” or “THROUGH” or “THRU”, followed finally by either “TRITONLINK” or “TRITONLINK.UCSD.EDU” or “HTTP://TRITONLINK.UCSD.EDU”.
- (3) There shall be no campaigning within 50 feet of official polling locations as measured by the Advocate General when voting is taking place.

Notwithstanding, wearing clothing or accessories that have campaign material on them while walking by the polls is permitted so long as the individual does not loiter.

(4) Use of equipment that amplifies sound is prohibited within 150 feet of official polling locations when voting is taking place.

(5) Campaigning in any classroom or lab is prohibited except during student organization meetings. Notwithstanding, wearing clothing or accessories that have campaign material on them in classrooms or labs is permitted.

(6) Anyone campaigning must abide by any decision, order, or penalty of the Election Committee while campaigning.

(c) Campaign Finance Rules for Referenda

(1) No University or ASUCSD allocated funds shall be spent on a referendum except in a neutral manner, such as providing educational information including both sides of the issue.

(2) If the University or ASUCSD wishes to allocate funds, the allocation must be approved by the Election Committee by the same deadlines stated in §8.1 related to referenda eligibility to appear in the election.

(3) If the University or ASUCSD wishes to allocate funds to both the Pro and Con campaigns, the amount of funding allocated to each must remain equal to maintain neutrality, and both groups must be informed of the availability and amounts of such funding at the same time.

(4) Campaign contributions for referenda may not be accepted from any source not affiliated with UCSD.