

AS ELECTIONS COMMITTEE BY-LAWS

PREAMBLE: The purpose of these By-Laws is to provide structures and procedures to implement the Associated Students Constitution

ARTICLE I. NAME AND PURPOSE

Section 1. The name shall be the AS Elections Committee

Section 2. The purpose of the Committee is to:

- A. Govern the elections of the Associated Students in accordance with Article VI, Elections, of the Associated Students Constitution.
- B. Establish and enforce qualifications and procedures for all elections of the Associated Students.

ARTICLE II. MEMBERSHIP

Section 1. Membership of the Committee shall consist of:

- A. Chairperson of the Committee.
- B. The AS Vice President of Marketing.
- C. A minimum of six undergraduate students, to be appointed by the AS Elections Chairperson with approval of the AS President.

ARTICLE III. DUTIES OF ADMINISTRATIVE OFFICERS

Section 1. The Chairperson shall be appointed by the AS Executive Board, and shall serve as the presiding officer and call meetings of the Committee.

Section 2. The AS Vice President of Marketing shall preside over the Elections Committee and shall vote only in the absence of the Chairperson.

Section 3. The Elections Chairperson shall be responsible for:

- A. Preparation of the minutes of each meeting.
- B. Maintenance of files and records.

ARTICLE IV. MEETINGS

Section 1. The Elections Committee shall meet at least once prior to each AS election and once immediately following that election.

Section 2. The Elections Committee shall meet as otherwise deemed necessary by the AS Senate, the AS Vice President of Marketing, or the Elections Chairperson. A minimum of twenty-four (24) hours notice must be given to the Elections Committee prior to any meeting.

ARTICLE V. COMMITTEE ACTION

Section 1. Unless otherwise provided herein, the Elections Committee may take action only at a meeting with quorum and a simple majority vote.

ARTICLE VI. QUOROM AND VOTING

Section 1. Two-thirds of the entire Committee membership shall constitute a quorum.

Section 2. Decisions will be made by a simple majority vote. Each member or valid proxy shall cast one vote, excluding the Chair, except in the case of a tie.

Section 3. Valid proxy votes in writing and in a sealed envelope will be used to make a quorum.

Section 4. No member of the Elections Committee who is running in the election may participate in performing any of the duties of a committee member. This includes ability to take down election posters, stamping posters, and being a part of quorum and voting in an AS elections meeting.

Section 5. Appeals

- A. Any member of the Associated Students may appeal the procedure of an election or any decision made by the Elections Committee.
- B. Appeals of any part of the election must be filed, in writing, to the Director of Elections within ten (10) official school days from the last day of the election. The person making the appeal must present their case to the Elections Committee at the next meeting. Other parties involved in the appeal have the opportunity to respond at the meeting. Following the presentation, members of the Elections Committee may question both parties. Neither the person making the appeal nor the respondents may be present during deliberation of voting.
- C. Appeals of the decision of the Elections Committee must be filed, in writing, to the AS President within ten (10) official school days from the day of the decision.
- D. The person making the appeal must present their case to the Senate at the next meeting. A member of the Elections Committee must

respond. Following the presentations, members of the Senate may question both parties. Neither the person making the appeal nor the respondents may be present during deliberation or voting. Decisions of the Senate are final.

- E. All violations must be brought forth by the close of the final elections committee review.

ARTICLE VII. QUALIFICATIONS AND VOTING PROCEDURES

Section 1. All candidates must be currently enrolled at the University of San Diego as a full-time undergraduate student, taking no less than twelve units in the semester in which she/he is a candidate. All candidates for AS offices must have a 2.5 cumulative grade point average. Candidates for Homecoming must have a 2.5 cumulative grade point average.

Section 2. All candidates for elected positions must meet with either the current holder of the position for which the candidate is running or the AS Advisor for that position. If the position is vacant, the candidate must meet with the AS Advisor for that position.

Section 3. Executive Board

- A. Candidates for the Executive Board must meet all the requirements listed above in Section 1.
- B. Candidates for AS President must be in the process of completing their sixth semester of college, which shall include the successful completion of ninety (90) units. A student who meets the ninety unit requirement may have the sixth semester requirement waived at the discretion of the Elections Committee. A transfer student, in addition to fulfilling the above requirements, must also have completed two full time academic semesters at the University of San Diego by the beginning of the fall semester.
- C. Candidates for all Vice President positions must be in the process of completing their fourth semester of college, which shall include the successful completion of sixty (60) units. A transfer student, in addition to meeting the requirements above, must also have completed one full time academic semester at the University of San Diego by the beginning of the fall semester.
- D. Candidates for the Vice President of Finance must have completed Accounting I, and must have completed or be in the process of completing Accounting II.

- E. The Elections Committee may make exceptions for candidates within two or three units of the requirement.
- F. Candidates elected to the Executive Board shall not hold the title of Resident Assistant while serving the one-year term.
- G. A person who holds the title of Torero Days Chair may not run for or hold the AS President's Office.

Section 4. Senate

- A. Candidates for AS Senator must have completed the following unit requirements:

Sophomore Senator: 30-59 units
Junior Senator: 60-89 units
Senior Senator: 90 and above units
- B. Candidates for Freshman Senator must be first semester, full time freshmen at USD.
- C. The Elections Committee may make exceptions for candidates within two or three units of the requirement.

ARTICLE VIII. CAMPAIGNING

Section 1. Campaigning refers to the use of campaign materials and any formal verbal means of the campaign persuasion.

Section 2. Campaigning Policies and Procedures

- A. Candidates or the candidates' representative must attend the Candidates Meeting and sign candidate in.
- B. Candidates may not begin campaigning until one week prior to the election, or a date specified by the Elections Chairperson.
- C. All campaign material must be removed from campus by one week after the last day of the election. A \$1.00 fine will be deducted from the deposit for each poster found after this date.
- D. All illegally placed posters and/or literature found at anytime during the campaign or after the campaign in accordance with "C" in this section will also be subject to a deduction or disqualification.
- E. Failure to report all expenditures and donations with proof of receipt to the

Elections Chairperson by (date specified by the Elections Chairperson) will result in a full loss of the campaign deposit.

- F. No verbal campaigning within ten (10) feet of a polling place during poll hours (refer to Article VIII, Section 4D for a definition of a polling place).
- G. VISTA and USDtv advertisements are permissible within the rest of the guidelines for campaigning and must be approved by the Director of Elections. No candidate(s) may be publicly endorsed by the Associated Students Leadership Team or any recognized club or organization the week prior to and during the week of the election. ▾
- H. The distribution of campaign materials may not interrupt the normal business of the University or its departments.
- I. No candidate(s) may chalk on any campus street, sidewalk or building.
- J. No candidate may produce and/or distribute as part of the campaign any stickers on campus.
- K. Candidates or affiliates of the candidates caught tearing down other candidates' posters and/or flyers are subject to disqualification.
- L. No campaigning of any kind may be done through mass phone calls to the student body.
- M. E-mail may not contain a link to the voting page, and may not be sent during polling days.
- N. Any report of slander/libel against an opponent will be reviewed by the Elections Committee. The Committee will also decide any further action and penalties for such violations.

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Section 3. Campaign Materials, Expenses, and Donations

- A. Campaign materials are posters and/or literature supplied by the candidate, the sponsoring organization or both.
- B. The campaign related expenditure and donation ceiling has been set at \$100 or a dollar amount determined by the AS Senate in accordance with the AS Constitution Article VI., Section 7.

Section 4. Posters and Literature

- A. Each candidate is allowed to have their name or picture appear on no more than 200 total paper campaign materials with the maximum limit on

posters set at 100.

- B. Posters may not exceed 18 x 24 inches in size alone and/or collectively and are to be placed only on the approved bulletin boards and in residence halls in accordance with the University's Posting Policy.
- C. Posting is not allowed on departmental bulletin boards, cars, walls, windows, doors, mirrors, tram, or glass cases. Posters in residence areas are subject to housing regulations.
- D. Posting is not allowed within ten (10) feet of any polling place. The definition of a polling place is any publicly accessible USD terminal upon which voting can take place (i.e. on-campus computers). Examples of this include fliers on or around computer or on a computer background or screensaver.
- E. One poster is allowed per bulletin board. Two bulletin boards directly adjacent will be considered one bulletin board.
- F. No banners may be used [i.e. on Maher Hall].
- G. All posters and/or literature must be in good taste and conform to all regulations of the University of San Diego, [specifically the university's poster policy](#).
- H. Any campaign material in violation of the stated regulations will be immediately confiscated by the Elections Committee. All posters and flyers must be collected by a member of the Elections Committee or any member of the Associated Students Leadership Team not campaigning in the election.

Section 5. Formal Verbal Campaigning

- A. Formal verbal campaigning refers to any public presentation by the candidates. This may include, but is not limited to:
 - USDtv and VISTA interviews
 - Club, organization, and department presentations
 - Associated Students or other sponsored debates

Section 6. Penalty for Violations

- A. Penalty for any of the above violations will be at the discretion of the Elections Committee. Violations may cause disqualification from an election and/or other sanctions as recommended by the AS Elections Committee. All violations must be brought forth by the close of the final

Elections Committee review.

Section 7. Excessive Posting Violations

- A. Repeated or gross violations of the above restrictions will likely lead to a loss of the entire campaign deposit and/or disqualification at the discretion of the Elections Committee.

ARTICLE IX. CAMPAIGN FUNDING ASSISTANCE

Section 1. In accordance with the AS Constitution Article VI, Section 8, candidates may apply for a \$10.00 reimbursement for campaign expenditures. Each candidate wishing to apply must be currently on financial aid at the University of San Diego. The Elections Committee will have the final judgment on the acceptance of the application.

- A. Candidates must apply for the reimbursement by the final candidate meeting.
- B. Candidates who are fined for violating any of the by-laws, rules, and/or regulations of the election and campaign will be ineligible to apply for the reimbursement.

Section 2. The Elections Committee will notify the people accepted for financial assistance on a specified date.

Section 3. No assistance will be granted to clubs or organizations sponsoring candidates for Homecoming elections. A candidate sponsoring him/herself may apply for assistance.

Section 4. Candidates sponsored by organizations must be accountable for entire publicity costs (i.e. if an organization is sponsoring four candidates and has a poster with all four candidates' names or pictures on it, all four must be accountable for the entire publicity cost and must document it accordingly on the Campaign Expenditure form. Candidates may not divide the cost among them).

ARTICLE X. OFFICIAL DECLARATION OF CANDIDACY

Section 1. Normal Candidacy

- A. Candidates must complete and submit a petition, registrar form, declaration of candidacy and deposit (to be determined by the Elections Committee) at the Candidates Meeting to have their names placed on the ballot.
- B. Write-in candidates must complete and submit a petition, registrar form,

declaration of candidacy and a deposit no later than three (3) University business days prior to the first day of voting.

Section 2. Write-in Candidacy

- A. Candidates must complete and submit a petition, registrar form, declaration of candidacy and a deposit to the Elections Chairperson by (date specified by Elections Chairperson)
- B. Write-in candidates will not have their names placed on the ballot. A space for the candidates' names will be provided on the ballot.

ARTICLE XI. DECLARATION OF WINNERS

Section 1. The declaration of winners in the AS Officers election will be based on the following:

- A. If there are more than two (2) candidates for the position, the two (2) candidates with the most votes from the General Election will proceed to the Runoff election.
- B. If there are only two (2) candidates running for the position in the General Election, the candidate with 50% + 1 of the votes will be declared the winner.
- C. The candidate with 50% + 1 of the votes in the Runoff Election will be declared the winner.
- D. Candidates running for a position unopposed may be declared the winner with one (1) vote.

Section 2. The declaration of winners in the AS Senatorial election will be based on the following:

- A. If there are more than four (4) candidates for the position, the four (4) candidates with the most votes from the General election will proceed to the Runoff Election.
- B. If there are only three (3) or four (4) candidates running for the position in the General Elections, the two (2) candidates with the most votes will be declared the winner.
- C. The two (2) candidates with the most votes from the Runoff Election will be declared winners.
- D. Two candidates running without competition will be declared winners

with one (1) vote each.

- Section 3. The declaration of winners in the Homecoming Election will be as follows:
- A. Candidates with the most votes in their respective class (Freshman, Sophomore, and Junior) will be declared the winner for that particular class.
 - B. The three Queen and King candidates who receive the most votes will be named to the Homecoming Court.
 - C. The candidates for Queen and King with the greatest number of votes will be declared the winner. The other candidates will be on the Homecoming Court.
 - D. In the event of a tie for homecoming court, three AS representatives (Director of Elections, VP of Marketing, and the President) will vote and have the final decision. If one of these three individuals is running in the election, they may not vote and the Elections Committee will designate the third person.
- Section 4. Final elections results will be verified by the Director of Student Computing (or a designated representative) and given directly to the Director of Elections (or a designated representative).
- Section 5. Candidates must meet the requirements of normal candidacy or write in candidacy to be declared the winner of any AS office.
- Section 6. Candidates wishing to withdraw from an election must do so in writing to the AS Vice President of Marketing and the Director of Elections. The candidate with the next greatest amount of votes will be declared the winner.
- Section 7. Questions regarding declaration of winners not outlined in the Election By-Laws will be decided by the AS Senate.

ARTICLE XII. AMENDMENTS

- Section 1. These By-Laws may be amended in the following way:
- A. Any member of the Elections Committee or the AS Senate may submit a proposed amendment during any regular meeting.
 - B. The Elections Committee or the AS Senate may approve or deny the proposed amendment no sooner than the next scheduled meeting.
 - C. The Elections Chairperson must post the proposed amendment publicly

for a period of five (5) class days.

- D. A two-thirds majority vote of the Elections Committee or AS Senate is necessary for an adoption of an amendment to these By-Laws.
- E. The AS Senate will have final approval of adopted amendment.

ARTICLE XIII. RATIFICATION PROCEDURES

Section 1. These By-Laws shall be submitted to the AS President yearly for administrative approval and be subjected to the right of appeal by the President of the University of San Diego and the Board of Trustees.

Section 2. Final ratification of the By-Laws will be effected by a two-thirds vote of the entire AS Student Senate, yearly.

REVISED April 2008