



# **THE BYLAWS OF THE ELECTIONS COMMITTEE OF THE ASSOCIATED STUDENT GOVERNMENT OF THE UNIVERSITY OF SAN DIEGO**

**PREAMBLE:** The purpose of these bylaws is to provide structures and procedures to implement the Associated Student Government Constitution.

## **ARTICLE I. NAME AND PURPOSE**

Section 1. The name shall be the ASG Elections Committee.

Section 2. The purpose of the Committee is to:

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

## **ARTICLE II. MEMBERSHIP**

Section 1. Membership of the Committee shall consist of:

- A. The Elections Committee shall be comprised of the Judicial Branch.
- B. The Chief Justice will preside as the Chairperson of the Committee.
  - a. The Chief Justice reserves the right to designate another Justice as the Chairperson in their absence.
- C. An Elections Committee Advisor shall advise the work of the Elections Committee, and must be present for all Elections Committee meetings.

## **ARTICLE III. DUTIES OF ADMINISTRATIVE OFFICERS**

Section 1. The Chairperson shall serve as the presiding officer and call meetings of the Committee.



Section 2. 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 ASG election.

- A. This meeting must be held at least three (3) academic days prior to the election.

Section 2. Meeting(s) must be scheduled no later than three (3) academic days after the receipt of an appeal, or as soon as a quorum can be assembled.

Section 3. The Chairperson of the Elections Committee shall call all meetings.

Section 4. All meetings require an ASG Advisor to be present.

Section 5. For an appeal to be brought to the Elections Committee, it must be received by the Elections Chairperson no later than three (3) academic days following the primary and general elections.

## **ARTICLE V. COMMITTEE ACTION**

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

## **ARTICLE VI. QUORUM AND VOTING**

Section 1. Three (3) justices shall constitute a quorum.

- A. The term “present” can be loosely interpreted as not always being in-person. Electronic methods of congregating can count towards quorum.

Section 2. Decisions will be made by a simple majority vote. Each member shall cast one vote.



Section 3. No member of the Elections Committee who is running in the election may participate in performing any of the duties of a Committee member.

- A. This includes the ability to take down election posters, stamping posters, and being a part of quorum and voting in an ASG elections meeting.

Section 4. Any member of the Elections Committee who is running in the election must be temporarily replaced with a temporary fill-in member to the Elections Committee. Fill-in members are to be appointed by the Chairperson and approved by a simple majority vote of the committee.

- A. The temporary fill-in members shall come from the ASG Executive Board.

Section 5. If the chairperson is running for election, the Parliamentarian shall serve as the interim Elections Chairperson.

## **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 they are a candidate. Seniors are exempt from the twelve unit requirement if they are on track to graduate by the end of the academic year. All candidates for ASG offices must have a minimum of a 2.5 cumulative grade point average.

- A. A student can only hold one elected or appointed position at any given time. B. A student must also be in good academic standing with the ASG, however, exceptions can be made by the Elections Committee at their discretion.

Section 2. Declaration of Candidacy

- A. Each person attempting to run for a position must complete and submit an Elections Form, given by the Elections Chairperson, to the place determined by the Elections Chairperson.
- B. Elections Form materials are to be determined by the Elections Chairperson and must include questions that allow the candidate to describe their capability and experience as a leader.
- C. At no time during the elections process can any decision be made, any



discussion based on, or any question targeted to the applicants' race, ethnicity, gender identity, biological sex, disability, religion, nationality, or sexual orientation, and the Elections Form must state that the applicant will not be discriminated based on any of these traits.

- D. All Election Forms are to be submitted to the Elections Chairperson by the date set by the Elections Committee.
- E. All candidates must submit their Degreeworks as part of the Elections Form.

### Section 3. Executive Board

- A. All candidates for Associated Student Government Executive Board elected positions must meet with either the current holder of the position or the equivalent leadership position for which the candidate is running or the ASG Advisor for that position. If the position is vacant, the candidate must meet with the ASG Advisor for that position.
- B. Candidates for ASG President must be in the process of completing their sixth semester of undergraduate study at the University of San Diego, which shall include the successful completion of ninety (90) units. A student who will meet the ninety-unit requirement by the time they take office 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 Vice President must be in the process of completing their fourth semester of undergraduate study at the University of San Diego, which shall include the completion of sixty (60) units. A transfer student, in addition to meeting the requirements above, must have also completed one full-time academic semester at the University of San Diego by the beginning of the fall semester. A student who meets the sixty-unit requirement by the time they take office may have the fourth semester requirement waived at the discretion of the Elections Committee.
- D. Any prospective candidate who does not meet the requirements outlined in Article VIII, Section 4, must request clearance of eligibility from both the Advisor to the Elections Chairperson, or their designee, and the Elections Chairperson.
- E. Candidates elected to the Executive Board (President, Vice President) shall not



hold the title of Resident Assistant or Scholastic Assistant while serving the one-year term.

- F. Elections for the Executive Board must be held annually during the spring semester.

#### Section 4. Senate

- A. Candidates for ASG Academic Senators must be declared for a major within the college they are running to represent, or will be declared by the end of the academic semester that the election cycle takes place in. Academic Senators that are undeclared at the time of election must submit their degreeworks to the Elections Chairperson, confirming their declaration of major, by the end of the academic semester in which the election cycle took place.
- B. If an elected academic senator decides to change their major to one that is not within the college they are representing during their term, they will remain a senator for the position in which they ran for the duration of the term.
- C. In accordance with ASG Constitution Article IV Section 4A, Residential and Commuter Senators shall be elected annually by the full-time undergraduate population living in the respective residential areas. Senators shall serve until the effective date of their respective elections of the next year, unless they graduate prior to the next Election.
  - a. If an individual is elected into a residential position (e.g., the Vistas) but they do not get a housing placement in the area they were elected, then they may not hold that position in office, and that position will be immediately labelled vacant.
  - b. Students living independently from University Housing at the Pacific Ridge apartment complex, who are not part of the USD master lease, are considered non-residential for the purposes of ASG elections and are ineligible to run for or hold the Pacific Ridge Senator position. These individuals are eligible to run for the Commuter Senator position.
- D. Candidates for At-Large positions (ASG Constitution Article IV Section 4D) shall be elected by the undergraduate Student Body, and shall serve as a representative of the general Student Body at the University of San Diego. Any student can be elected to this position. At-Large Senators must submit a declaration of involvement, which would consist of the student's academic involvements and campus life affiliation (Student Organization, Greek Life,



Sports Club, etc.), to be made public to the Student Body throughout the course of their term.

#### Section 5. Primary Elections

- A. If there are more than two (2) candidates running for an ASG Executive Officer position, there will be a primary election for those respective positions.
- B. The Primary Election may take place no sooner than one week prior to the General Election.
- C. The Primary Election will be held only for those running for an ASG Executive Officer Position (President, Vice President). Senate Candidates will run only in the general election, regardless of the number of candidates.

#### Section 6. General Elections

- A. The General election must be held no sooner than five (5) official school days after the primary election, and must also allow time for an Elections Committee meeting if necessary.
- B. If there are multiple candidates running for a senate position with more than one representative, the positions will be filled by the candidates with the most votes. (I.e. If there are 5 Commuter Senator positions and 7 people run, the 5 with the most votes will be declared the winners).
- C. Candidates running unopposed will be declared winners with one (1) vote.

#### Section 7. Special Elections

- A. In the case that a special election must occur due to unforeseen circumstances, the Elections Chairperson has the authority to decide the terms of the election in consultation with the ASG President.

### **ARTICLE VIII. CAMPAIGNING**

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



## Section 2. Campaigning Policies and Procedures

- A. Candidates must submit an Elections Form.
- B. Candidates and affiliates must respect and follow all USD rules and regulations. All candidates must act in accordance with USD policy and the Code of Conduct while campaigning. Also, Candidates must follow all guidelines according to rules from the University, the informational video, and these bylaws.
- C. Candidates may not begin campaigning until their election form has been submitted and approved by the Elections Chairperson. Any date specified by the Elections Chairperson must meet these requirements and allow at least three (3) full academic days of campaigning before voting day(s).
- D. Candidates must campaign as an individual. A candidate may not advertise with any other person running for election in the same campaign cycle.
- E. No student organization may advertise for a candidate, nor may a candidate advertise their candidacy in coordination with another organization. However, Candidates may make announcements and hand out acceptable advertising materials at club or organization meetings.
  - a. If a student organization is found campaigning for a candidate, the student organization, along with the candidate in question, may be penalized.
    - i. The student organization may be sent to the Student Organization Discipline Board to determine the sanctions for violating these bylaws.
- F. All campaign material must be removed from campus 48 hours after the last day of the election. Sanctions for violations shall be designated at the discretion of the Elections Committee.
- G. All illegally placed posters and/or literature found at any time during the campaign or after the campaign in accordance with Section 4C will also be subject to a \$1.00 fine per poster or disqualification.
- H. Posters must contain the following
  - a. Candidate's name
  - b. The position they are running for
  - c. Dates and times of elections
  - d. Where voting will take place
  - e. Associated Student Government logo



- I. All campaign literature must be approved by the Elections Chairperson and Public Relations Chair before publicly advertising or be subject to fines.
- J. Failure to report all expenditures and donations with proof of receipt to the Elections Chairperson by the date specified by the Elections Chairperson may result in a fine of up to \$50.
- K. No campaigning of any kind is allowed within ten (10) feet of a polling place during poll hours. Campaigning materials are 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 violations include fliers on or around a computer, on a computer background, or screensaver.
- L. VISTA, SLP monitors, and USDtv advertisements are permissible within the rest of the guidelines for campaigning and must be approved by the Elections Chairperson, or their designee. No candidate(s) may be publicly endorsed by current members of the Associated Student Government or any club, organization, administrator, or university department.
- M. The distribution of campaign materials may not interrupt the normal business of the University or its departments.
- N. No candidate(s) may chalk on any campus street, sidewalk, or building.
- O. No candidate may place any stickers on university property or public property. Any “tagging” activity will result in the candidate being subject to disqualification.
- P. Candidates or individuals following the direction of the candidates caught tearing down other candidates' posters and/or flyers are subject to disqualification.
- Q. No campaigning of any kind may be done through mass phone calls, mass emails, or text messages to the student body or USD owned or managed resources including but not limited to mass phone calls, text messages or Associated Student Government social media accounts.
- R. Posting is allowed on social media sites as long as the posting is not deemed inappropriate with regards to university policies. Messaging via text and social media is allowed as long as it is not deemed to be excessive or bothersome to its recipients by the Elections Chairperson. Creation of groups and events are acceptable as long as those invited have the option to leave the group or event. No campaigning in any form is allowed prior to approval as defined by Article IX Section 2C.
- S. Any report of slander/libel against an opponent will be reviewed by the



Elections Committee. The Committee will also decide any further action and sanctions for such violations.

- T. No distribution of food, snacks, or candy.
- U. No door-to-door solicitation is permitted (including on-campus and off-campus housing).
- V. Candidates and their affiliates may not solicit votes using a private computer in a public place.

### Section 3. Campaign Materials, Expenses, and Donations

- A. Campaign materials are posters and/or literature, t-shirts, supplied by the candidate are permissible in accordance with budget restrictions. ‘
- B. The campaign related expenditure and donation ceiling has been set at a default of \$100 unless an alternative dollar amount has been determined by the ASG Elections Committee.

### Section 4. Posters and Literature

- A. Each candidate is allowed to have their name or picture appear on no more than two hundred (200) total paper campaign materials.
- 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 walls, windows, doors, mirrors, tram, or glass cases. Posters in residence areas are subject to housing regulations. Posting on personal property is allowed with the owner's approval and consent.
- D. One poster is allowed per bulletin board. Two bulletin boards directly adjacent will be considered one bulletin board.
- E. No banners may be used [i.e. on Maher Hall].
- F. 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 posting policy.
- G. 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 Student Government 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:
  - a. USDtv and USD Vista, USD Radio interviews
  - b. Club, organization, and department presentations
  - c. Associated Student Government sponsored debate

## 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 ASG 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 may lead to a fine of up to \$50 and/or disqualification at the discretion of the Elections Committee.

# **ARTICLE IX. CAMPAIGN FUNDING ASSISTANCE**

Section 1. Candidates may apply for a \$25.00 reimbursement for campaign expenditures. Each candidate wishing to apply must be currently receiving 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 Elections Committee meeting.
  - a. Itemized receipts are required to receive any form of reimbursement.
- 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.
- C. Each election period, the Elections Chairperson, in consultation with the ASG President, will decide on a statute of limitations that limits the expenses for which the candidates may be reimbursed.



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

Section 3. Each candidate participating in Associated Student Government elections is eligible to receive 25 copies of printing on 8'5"x 11" paper in black and white on white or colored paper from the Creative Zone.

## **ARTICLE X. OFFICIAL DECLARATION OF CANDIDACY**

### Section 1. Normal Candidacy

A. Candidates must complete and submit an election form (to be determined by the Elections Chairperson) to have their names placed on the ballot.

## **ARTICLE XI. DECLARATION OF WINNERS**

Section 1. The Elections Chairperson shall make public all available positions for the election.

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

- A. If there are more than two (2) candidates for an ASG Executive Officer position, the two (2) candidates with the most votes from the Primary Election will proceed to the General election (See Article VIII, Section 6).
- B. If there are two (2) or less candidates running for an ASG Executive Officer position, they will not need to run in a Primary election.

Section 3. The declaration of winners in the ASG Senatorial election will be based on the following:

- A. The candidate with the most votes from the General Election will be declared the winner.
- B. Students may cast votes for up to the number of positions to be filled in the area they are voting for provided they cast no more than one vote per candidate. There is no requirement to cast any votes if the voter does not wish to vote for any candidate. (Example: If there are 3 senate positions available for the School of Business, voters may cast between 0 to 3 votes for the position unless there are



less than three candidates for the position, in which the maximum number of votes would be the number of candidates running.)

Section 4. Final elections results will be verified in the following manner:

- A. The IT department liaison (or a designated representative) will validate the results and send them directly to the Elections Chairperson and ASG Elections Advisor.
  - a. By validating the results the IT department liaison (or a designated representative) is acknowledging that the process provided access to all students, as advertised. A. The Elections Chairperson may then distribute the results as necessary.

Section 5. Candidates must meet the requirements of normal candidacy to be declared the winner of any ASG office.

Section 6. Candidates wishing to withdraw from an election must do so in writing to the Elections Chairperson.

Section 7: The candidate with the next greatest amount of votes will be declared the winner.

Section 8. Questions regarding declaration of winners not outlined in the Elections Bylaws will be decided by the ASG Elections Committee.

## **ARTICLE XII. APPEALS**

Section 1. Appeals Rules and Procedure

- A. Any member of the undergraduate student body may appeal any issue pertaining to the procedure of an election to the Elections Committee, or any decision made by the Elections Committee.
  - a. Initial appeals shall be made to the Elections Committee in writing to the Elections Chairperson.



- b. Re-Appeals shall be made to the Student Senate.
  - i. In the case the Student Senate is not yet elected, re-appeals shall be made to the ASG Executive Board.
  - ii. The Chief Justice may not act as a voting member in Re-Appeals to the Executive Board, unless their not voting would result in a loss of quorum.
- B. Appeals must be filed to the Elections Chairperson at any time before, during, or within three days after the election window closes.
- C. Appeals must be heard by the Elections Committee at the first Elections Committee meeting that follows receipt of the appeal. The basis of an appeal is either (1) an issue with the process of the election (2) new information regarding the election has been produced.
- D. All accused persons in an appeal must be notified by the Elections Chairperson to appear at the Elections Committee hearing as soon as the appeal is received. The accused person(s) must be notified at least forty-eight (48) hours prior to the Elections Committee meeting at which the appeal involving them will be heard. In the event of emergent circumstances, the Elections Committee will work to develop an alternate method to hear the appeal.
- E. The appellant may present their own case at the Elections Committee meeting. Other persons who are involved in the appeal, as defined by the Elections Chairperson, or are accused, have the opportunity to respond at the meeting. Following presentation of the appeal, members of the Elections Committee may question all parties. All parties must be present during the entirety of the questioning process. If for some reason any party leaves at any point, the questioning must be halted and only resume once everyone has returned. Following the initial round of questioning, the Committee will deliberate. Should there be more questions, all parties will once again be brought in together. After all questions have been addressed, all parties will be excused and a vote shall be taken.
- F. Decisions by the Elections Committee must be explained in writing to all parties involved with the appeal within twenty-four (24) hours after the decision is made. Parties involved will be determined by the Elections Chairperson and must include the appellant.
- G. Re-Appeals of the Elections Committee decision must be filed by the appellant, in writing, to the ASG Speaker of the Senate within two (2) days from the day of the decision. The re-appeal must have new information not given in the original appeal and/or concern that the appeals process was not followed. If the Speaker deems there to be sufficient evidence/reason for rehearing the case, they shall grant the



presentation to the Senate. The appeal will be heard at the next Senate meeting. The appellant must present their own case to the Senate. The Elections Chairperson, or their designee, must respond. Following the presentations, members of the Senate may question all parties. All parties must be present for the entirety of the questioning process. Following the initial round of questioning, all parties will leave the room and the Senate will deliberate. Should there be more questions following deliberation, all parties will be brought back in together for further questioning. After all questions have been addressed, all parties will be excused and a vote shall be taken. The decision of the Student Senate is final.

- a. The two (2) day deadline for a written appeal may be extended if the appellant can present proof of extenuating circumstances inhibiting them from writing their appeal in that time frame.
  - b. If the Speaker of the Senate rejects an appeal being heard at Senate, the appellant cannot make a presentation to Senate, nor can Senate vote on the appeal.
    - i. The Senate can overturn the Speaker of the Senate's decision with a  $\frac{2}{3}$  majority vote, and can thus hear the appeal.
  - c. Any senate member running in an election is not allowed to vote on appeals regarding a seat for which they are running.
- H. Senate members involved in the appeal may not deliberate or vote on any elections appeal. Senate members involved will be excused from the senate meeting and asked to leave the room until the decision has been made by Senate.
- I. The Elections Chairperson holds the responsibility of explaining the outcomes following Elections Committee decisions. The Speaker of the Senate holds the responsibility of explaining the outcomes following Senate decisions.

## **ARTICLE XIII. AMENDMENTS**

Section 1. These bylaws may be amended in the following way:

- A. Any member of the Elections Committee or the ASG Senate may submit a proposed amendment during any regular meeting.
- B. The ASG Senate may approve or deny the proposed amendment no sooner than the next scheduled Senate meeting.
- C. The Elections Chairperson must post the proposed amendment publicly for a period of five (5) academic days.



- D. A two-thirds ( $\frac{2}{3}$ ) majority vote of ASG Senate is necessary for an adoption of an amendment to these By-Laws.
- E. The ASG Judicial Branch reserves the right to veto any amendment, if it is found to be contrary to the ASG Constitution or existing bylaws.

## **ARTICLE XIV. RATIFICATION PROCEDURES**

Section 1. These bylaws shall be submitted to the ASG 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 bylaws will be affected by a yearly two-thirds ( $\frac{2}{3}$ ) vote of the ASG Student Senate.

Section 3. Ratification is subject to veto by the Associated Student Government Judicial Branch on the basis of constitutionality or violation of existing bylaws.

## **ARTICLE XV. EXTENUATING CIRCUMSTANCES**

Section 1. In the case of reasons imposed on by nature or the University itself, including but not limited to pandemics and sudden changes to the University's usual on-campus attendance, the Associated Student Government's Election Committee reserves the right to make temporary changes to these bylaws for the sake of better run elections. Any changes must pass the Elections Committee with a two-thirds ( $\frac{2}{3}$ ) majority, as well as with the approval of an advisor and a two-thirds ( $\frac{2}{3}$ ) majority of all active ASG Executive Board members. All changes made due to extenuating circumstances will last for the duration of the election cycle during which the changes were made, and shall revert back to the original format upon completion of said election cycle.

Section 2. In the case that the Elections Committee and/or Student Senate cannot convene due to reasons imposed on by nature or the University itself, including but not limited to pandemics and sudden changes the University's usual on-campus attendance, the Associated Student Government's full Executive Team will act as the Elections and/or Re-Appeals Committee in the following manner:

- A. The President shall convene a meeting including all active Executive Team members.
- B. Each member of the Executive Team will have a vote. To constitute a vote, the vote must be greater than or equal to two-thirds ( $\frac{2}{3}$ ).



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- C. Should a vote be held by the Executive Team, the President must announce to the ASG Senate and ASG Judicial branch at the first ASG Senate meeting since the vote.