

## THE BYLAWS OF THE ELECTIONS COMMITTEE OF THE ASSOCIATED STUDENTS OF THE UNIVERSITY OF SAN DIEGO

**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 IV, 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. The Director of Elections who will preside as the Chairperson of the Committee.
- B. The AS Vice President and AS Communication Chair
- C. A minimum of three undergraduate students who are not running in any ongoing AS election, to be appointed by the 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 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

- A. For Fall elections, this meeting must be held at least five (5) official school days prior to the election.

Section 2. For Spring elections, meeting(s) held before the election must be held at least five (5) official school days prior to the Senate meeting that is immediately before the beginning date of campaigning.

Section 3. If there is a need to meet (i.e. any issue, appeal, or complaint), the Committee meeting must be held at least three (3) official school days before the scheduled senate meeting that immediately follows the last voting day.

Section 4. Meeting(s) must be scheduled no later than three (3) official days after the receipt of an appeal, or as soon as a quorum can be assembled.

Section 5. In accordance with Article III, Section 1, the Chairperson of the Elections Committee shall call all meetings.

Section 6. For an appeal to be brought to the Elections Committee, it must be received by the Director of Elections no later than ten (10) days following the general elections,

## **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 Elections 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 Chairperson, 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. 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 the AS President.

## ARTICLE VII. 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 to Senate.
- B. Appeals must be filed, in writing, to the Director of Elections at any time before or during an election but within ten (10) official school days after the last day of the election.
- C. To guarantee that an appeal be heard at the next scheduled Elections Committee meeting, it must be submitted no later than twenty four (24) hours prior to that meeting to guarantee that an appeal will be heard at the next scheduled Elections Committee meeting in a case where any party is being accused by the appellate, the appeal must be received by the Director of Elections no later than forty-eight (48) hours prior to that meeting.
- D. Appeals must be heard by the Elections Committee at the first Elections Committee meeting that follows receipt of the appeal.
- E. All accused persons in an appeal must be notified by the Director of Elections to appear at the Elections Committee hearing as soon as the appeal is received. The accused person(s) must be notified at least twenty four (24) hours prior to the Elections Committee meeting at which the appeal involving them will be heard.
- F. The appellant may present his/her own case at the Elections Committee meeting. Other persons who are involved in the appeal, as defined by the Director of Elections, or are accused, have the opportunity to respond at the meeting. Following presentation of the appeal, members of the Elections Committee must question all parties. All parties must be present during the entirety of the questioning process. 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.
- G. Appeals of the Elections Committee decision must be filed by the appellant, in writing, to the AS Speaker of the Senate within five (5) official school days from the day of the decision and must have new information not given before the Elections Committee and/or concern that appeals process was not followed. The appeal will be heard at the next Senate meeting. The appellant must present his/her own case to the Senate. A member of the Elections Committee 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. Decisions of Senate are final.

- H. Decisions by the Elections Committee and Senate must be explained in writing to all parties involved with the appeal within twenty-four (24) hours. Parties involved will be determined by the Director of Elections and must include the appellant.
- I. Senate members running in the election who are not involved in the appeal may not deliberate or vote on any elections appeal.
- J. The Director of Elections 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 VIII. 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.

Section 2. All candidates for 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 AS Advisor for that position. If the position is vacant, the candidate must meet with the AS Advisor for that position.

Section 3. Declaration of Candidacy

- A. Each person attempting to run for a position must complete and return an Elections Packet, given by the Director of Elections, to the place determined by the Director of Elections.
- B. Elections Packet materials are to be determined by the Director of Elections and must include questions that allow the candidate to describe his or her capability and experience as a leader.
- C. Questions must be written in conjunction with at least one AS Advisor

- D. At no time during the elections process can any decision be made, any discussion based on, or any question targeted to the applicants' ethnicity, gender, disability, religion, nationality, or sexual orientation, and the Elections Packet must state that the applicant will not be discriminated based on any of these traits.
- E. All elections packets are to be submitted to the Director of Elections by the date set by the Director of Elections.

#### Section 4. 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 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 all other executive board positions (Vice President and Speaker of the Senate) 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. 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 set forth in Article VIII, Section 4, may request clearance of eligibility from the Elections Committee during the meeting described in Article IV, Sections 1 and 2.
- E. Candidates elected to the Executive Board shall not hold the title of Resident Assistant while serving the one-year term.
- F. A person who holds the title of Torero Days Chair may not run for or hold the AS President's Office.
- G. Elections must be held annually during the spring semester.

#### Section 5. Senate

- A. Candidates for AS Academic Senators must be declared for a major within the college they are running to represent or prove their intention to do so, and must submit an unofficial DARS printout with their application.
- B. If an elected academic senator decides to change his/her major during their term, they will remain a senator for the position in which they ran for.
- C. In accordance with AS Constitution Article IV Section 2B, Residential and Commuter Senators shall be elected annually in the fall semester by the full-time undergraduate population living in the respective residential areas. The fall elections shall take place before the first official meeting of the Student Senate, or before the fourth week of the academic calendar. Officials shall serve until the effective date of the Fall elections of the next year, unless they graduate after the Spring semester or Summer session prior to Fall elections.
- D. A student can only hold one elected or appointed position at any given time.

Section 6. The General election must be held no sooner than one academic week after the primary election, and must also allow time for an Elections Committee meeting if necessary.

## **ARTICLE IX. 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 the candidate in.
- B. Candidates and affiliates must respect and follow all USD rules and regulations. All candidates must act in accordance with USD policy and Code of Conduct while campaigning. Also, Candidates must follow all guidelines according to rules from the University, the informational packet, and these bylaws.
- C. Candidates may not begin campaigning until one week prior to the election and campaigning may not occur before the senate meeting described in Article IV Section 2. Any date specified by the Director of Elections must meet these requirements and allow at least three (3) official school days of campaigning before voting day.
- 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.
- F. All campaign material must be removed from campus by 48 hours after the last day of the election. A \$1.00 fine will be charged for each poster found after this date.
- G. 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.
- H. Posters must contain the candidate's name, the position they are running for the dates and times of elections, where voting will take place and the Associated Students logo.
- I. All printed campaign literature must have an original copy approved by the Director of Elections prior to posting, or be subject to fines.
- J. 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 fine of up to \$50.
- K. No verbal campaigning within ten (10) feet of a polling place during poll hours (refer to Article IX, Section 4D for a definition of a polling place).
- L. VISTA, SLP monitors, 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 club or organization.
- 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 produce and/or distribute as part of the campaign any stickers on campus.
- P. Candidates or affiliates 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 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 Students Facebook pages.

- R. No campaigning of any kind may be done through mass e-mails to the student body or any portion thereof.
- S. Electronic correspondence may only be sent to those who agree to receive it.
- T. Facebook groups or events are permissible but cannot go live until the first day of campaigning, as stated by the Director of Elections. Potential members must have the option to accept or decline attendance or involvement.
- U. Facebook messages may not contain a link to the voting page, and may not be sent during polling days.
- V. 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.
- W. Each candidate may be fined up to \$50 dollars for any violation of the bylaws.
- X. No Distribution of food including, but not limited to candy is allowed.

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

- A. Campaign materials are posters and/or literature, t-shirts, supplied by the candidate.
- 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
- 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. 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 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:
  - a) USDtv and VISTA interviews
  - b) Club, organization, and department presentations
  - c) 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 fine of up to 50 dollars and/or disqualification at the discretion of the Elections Committee.

### **ARTICLE X. CAMPAIGN FUNDING ASSISTANCE**

Section 1. Candidates may apply for a \$25.00 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.
- C. Each election period, the Elections Chairperson and the Elections Committee will decide on a statute of limitations that limits what candidates can get reimbursed for. It is under the discretion of the election committee to name all of the select items that candidates can be reimbursed for.

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

Section 3. Each candidate participating in Associated Students 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, to be funded by the Elections budget.

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

### Section 1. Normal Candidacy

- A. Candidates must complete and submit a petition, registrar form, declaration of candidacy (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 XII. DECLARATION OF WINNERS**

Section 1. The number of positions for the different colleges/residencies will vary from year to year based on the percentages of students that they are composed of. The Elections Chairperson shall make public all available positions for the election and the reasoning/math behind them.

Section 2: 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 an executive level position, the two (2) candidates with the most votes from the Primary Election will proceed to the General election.
- B. If there are two (2) or less candidates running for an AS Officer position, they will not need to run in a Primary election.
- C. The Primary Election may take place no sooner than one week prior to the General Election. Voters may vote for one candidate for each position.
- D. Candidates running for a position unopposed may be declared the winner with one (1) vote.

Section 3. The declaration of winners in the AS 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 vote for up to the number of positions available for senate. E.g. If there are ten (10) people running for School of Business senator and there are three (3) places available, students in the School of Business may vote for up to three candidates.
- C. The Primary Election may take place no sooner than one week prior to the General Election.
- D. 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 eight (8) Commuter Senator positions and fifteen (15) people run, the eight (8) with the most votes will be declared the winners).
- E. Candidates running without competition will be declared winners with one (1) vote.

Section 4. The declaration of winners in the Homecoming Election will be as follows:

- A. Campus-wide voting will not take place. There will be an application process followed by interviews of the top three candidates in each category (freshman prince/princess, sophomore prince/princess, junior prince/princess, and king/queen)
- D. Members on the AS Executive board as well as Director of Alumni Relations and Director of Elections are not allowed to apply for Homecoming court.
- E. The panel of interviewers should be constructed of five people as follows: An advisor, Director of Elections, only one other member from AS, and two other members chosen by the director of elections (cannot both be from same student organization). No campaigning is allowed for homecoming elections. No flyers, meeting with organizations, Facebook groups or public announcements is acceptable
- F. No \$50 deposit is required

Section 5. Final elections results will be verified by the Webmaster (or a designated representative) and given only to the Director of Elections (or a designated representative). The Director of Elections may then distribute the results as necessary.

Section 6. Candidates must meet the requirements of normal candidacy or write in candidacy to be declared the winner of any AS office.

Section 7. Candidates wishing to withdraw from an election must do so in writing to the AS Vice President and the Director of Elections. 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 AS Senate.

### **ARTICLE XIII. 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 XIV. 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.