

**ASSOCIATED STUDENTS OF SAN DIEGO STATE UNIVERSITY
STANDING COMMITTEE CODES**

ARTICLE II **ELECTIONS CODE** (Revised 05/13/98, 11/18/98, 02/24/99, 03/03/99, 04/28/99, 4/21/04, 11/30/05, 4/12/06, 11/19/08)

Section 1 **Elections Committee Membership** (Revised 11/18/98)

1.01 Pursuant to the requirements of the Bylaws of the Associated Students of San Diego State University, there shall be an Elections Committee established to handle all elections of the Associated Students, its subordinates, or affiliates.

1.02 The Elections Committee shall consist of an Elections Coordinator, two members of A.S. Council appointed by A.S. Council, and seven student-at-large seats in accordance with Article III of the A.S. Standing Committee Code.

All voting members shall serve for a period of one semester, and shall be eligible for reappointment. There shall also be the following ex-officio, non-voting members: Elections Manager, a member appointed from the Vice President of Student Affairs, and the A.S. Executive Director or designee. A quorum of the committee shall be fifty percent of the filled voting seats plus one. (Revised 11/18/98, 11/17/2004)

1.03 Elections Coordinator shall be chosen in the following manner: Applications shall be open for ten (10) school days and announced on two separate days in the ***Daily Aztec***. Applications shall be screened by the Executive Vice President and recommendation for interviews shall be submitted to an interview committee consisting of at least two A.S. Executive Officers and one other member of the Executive Committee. The interview committee members are to be selected by the Executive Vice President. The interview committee shall then forward a final recommendation to the A.S. Council for ratification by a majority vote of those Council members present and voting. The Elections Coordinator shall serve for a period of one academic year. (Revised 11/18/98)

1.04 The Elections Coordinator may be removed by a two-thirds (2/3) vote of the A.S. Council. This action can be taken only after the following steps have been taken:

- a) A written request for review of Elections Coordinator activities detailing cause or reason for removal of the Coordinator has been submitted to the Rules Committee. (This document may include, but is not limited to, improper conduct or incompetence.)
- b) Rules Committee has held a meeting to review the request and obtain information pertaining directly to the allegations within the request from both the authors of the request and the Elections Coordinator, both of whom shall be invited to attend the meeting.
- c) Rules Committee has forwarded a recommendation of removal of the Elections Coordinator to the A.S. Council.

If the Elections Coordinator is removed, another Elections Coordinator may be appointed by the method outlined in Section 1.03. If time does not permit this process to occur, an interim Elections Coordinator may be appointed by the Executive Vice President with the approval of the A.S. Executive Committee by simple majority. (Revised 11/18/98)

1.05 All members of the Elections Committee shall be members of the Association at the time of their appointment and during the term of their office. No member of the Elections Committee may be a candidate in any election within the jurisdiction

of the Committee during the term of his/her appointment. Preference for Elections Committee membership shall be given those members of the Association that are students-at-large and are not already officers of the Association (with the exception of the two (2) A.S. Council members and the Student Affairs representative outlined in Subsection 1.02.) Student-at-large seats shall be restricted to students-at-large unless there are not enough applicants to fill the seats. Only then may A.S. Council members be appointed to fill the remaining vacant seats. (Revised 11/18/98)

Section 2

Elections Committee: Powers and Duties (Revised 11/18/98)

- 2.01 The Elections Committee shall apportion representatives as stated in the Bylaws, to the various schools and colleges prior to the opening of nominations. The Elections Committee shall apportion said representatives, including Undeclared and Special Majors, based on the most recent enrollment figures available prior to that election based on information provided by the University President's designee. (Revised 11/18/98)
- 2.02 It shall be the duty of the Elections Committee to enforce the Elections Code. When the polls are open, poll workers shall enforce Elections Code regulations. The poll workers must report all Elections Code violations to the Elections Coordinator or Elections Committee as soon as possible after they have been witnessed. Failure to report any witnessed violations shall result in removal of that poll worker. (Revised 11/18/98)
- 2.03 Poll sites, polling times, appointments, ballot position and penalties recommended by the Elections Committee for A.S. General and Special elections shall be subject to the approval of the A.S. Council.
- 2.04 The duties and responsibilities of the Elections Coordinator shall be as follows:
- a. To supervise the Elections Manager and administer elections in accordance with this Code.
 - b. To carry out the policy actions of the Elections Committee not in conflict with this Code.
 - c. To see that dates of the nomination-filing period, election dates, polling place(s), and other notices relevant to the election are publicized.
 - d. To make regular reports to the A.S. Council regarding the election.
 - e. To maintain public neutrality with regards to any candidate or issue in any election within his/her jurisdiction.
 - f. To Chair the Elections Committee.
 - g. To verify petition or nomination with standards brought forth in Subsection 3.03 and 3.04.
 - h. To verify spending infractions committed by the candidate and/or person(s) associated with the candidate.
 - i. To verify expense accounts with Council's imposed spending limit.
 - j. To make recommendations to the Elections Committee regarding any

financial infraction by the candidate and/or person(s) associated with the candidate.

- k. To review the Elections Code with the Elections Committee by the 1st meeting of the semester.

2.05 The Elections Committee, the Elections Manager and the Elections Coordinator shall perform any other duties pertaining directly to A.S. elections as may be required by A.S. Council, the Elections Code or by contract with the Associated Students. (Revised 11/18/98)

2.06 The Elections Manager shall be hired not later than the fall semester and shall be appointed for a period not to exceed one year, unless re-appointed for an additional one-year term. The Elections Manager shall be hired using the procedures outlined in Subsection 1.03 of the Elections Code, except that the Elections Coordinator who shall also serve as a member of the interview committee shall screen applications. (Revised 11/17/2004)

2.07 The duties and responsibilities of the Elections Manager, under the supervision of the Elections Coordinator, shall be as follows:

- a. Prepare the candidate Nomination Packet and approved election schedule.
- b. Place all required advertisements in the *Daily Aztec* publicizing all available positions as well as the times, dates and locations for voting.
- c. Place work orders for: equipment set-up/take-down of all poll sites and hanging of election promotional banners.
- d. Input approved ballot language and order into the election software.
- e. Inventory supplies needed at each poll site and re-stock as needed.
- f. Monitor the progress of voting during the election to ensure that there is a sufficient number of laptops at all times to meet the demand.
- g. Assist in the recruitment, scheduling, and orientation for poll-workers.
- h. Serve as an ex-officio, non-voting member of the Elections Committee.
- i. Perform other duties as assigned by the Elections Coordinator.

2.08 Elections Committee may make recommendations to amend this Code to the Rules Committee which must then forward their recommendations based on the Elections Committee recommendations to the A.S. Council as outlined in the Standing Committee Code Article IV, Section 3.04b. (Adopted 04/28/99)

Section 3

Election Procedures (Revised 11/18/98)

3.01 All A.S. elections and/or referenda shall be conducted utilizing an approved web-based format and accessible to all regularly enrolled SDSU students anywhere in the world via the Internet during the approved voting period. The filing period shall be at least fifteen (15) school days in length and shall be announced at least five (5) days during this period in campus media. (Revised 11/17/2004)

- 3.02 Associated Students Council, as a whole, does not endorse any candidates for any office. The Elections Committee and A.S. Council shall not facilitate the process of offering prospective voters incentives, and/or merits of any kind in exchange for voting. Violations of this section shall necessitate that the election is invalidated and it shall be necessary to hold another election. (Revised 11/18/98)
- 3.03 The student shall be considered an official candidate at the time he/she files application in person. The application must be time-stamped in the Government Affairs Office no later than 4:00 p.m. on the last day of the filing period. A student may not be a candidate for more than one elected office simultaneously. At the time the application is filed, the candidate shall also file a signed statement that he/she has read and fully understands all provisions of the Elections Code issued with the application form, and confirm his/her intentions to run. (Revised 11/18/98)
- 3.04 The candidates must appear in person to obtain nomination materials at the Government Affairs Office.
- 3.05 **Candidate Policy** (Revised 05/13/98) (Revised 11/18/98)
- a. All candidates must be in good academic and disciplinary standing (not on academic or disciplinary probation) with the institution as stated in Section 12 of the A.S. Bylaws, at the time of the submission of the candidate's application.
 - b. Candidates for school and college seats must be officially recognized by the University as a declared major or pre-major in the school or college for whom they are a candidate at the time of the submission of the candidate application. If a student is elected as a representative from a particular school or college and, during his/her term of office, the student elects to change his/her major to one that lies within a different school or college, then that representative's position on the A.S. Council shall be declared vacant. (Revised 05/13/98, 7/17/02)
 - c. In the event that a representative of the undeclared majors declares his/her major, the representative shall serve until the next general election, at which time a successor shall be elected to fill the unexpired term. (Revised 11/18/98)
 - d. Disqualified candidates are ineligible to run as write-in candidates for the position from which they were disqualified as outlined in Section 6 of the Elections Code. (Revised 11/18/98)
 - e. All candidates shall be listed on the ballot under the name specified in the candidate application packet. All subsequent literature, including, but not limited to signs, flyers, buttons, stickers, advertisements, and other campaign materials must read the candidates name exactly as it appears on the ballot. Changes to the candidate's name appearing on the ballot shall be made upon approval of the Elections Committee. (Revised 4/26/00)
 - f. If a candidate statement is submitted (125 words maximum), all words such as "a", "an", "the", "A.S." etc. would be considered one word each. "100" would be considered one word while "one hundred" would be considered two words. Words separated by a backslash will be considered two words i.e. campus/university. (Revised 05/13/98)
- 3.06 General Elections are to be held no earlier than six (6) weeks from the beginning

or later than five (5) weeks prior to the end of the spring semester. (Revised 04/28/99)

- 3.07 Dates for General and Special elections shall be selected by the Committee with the approval of the A.S. Council. Special elections shall be under the jurisdiction of the Committee. Selection of times, polling places, and balloting shall be established by the Elections Committee with the approval of A.S. Council.
- 3.08
- a. In addition to campus computer laboratories and other facilities with student access to the Internet, the Elections Committee shall provide a temporary poll site on campus for a minimum of 10 hours per day for each day of the voting period. The Elections Committee shall designate the location of the poll(s) with the approval of the A.S. Council. The locations and the polling times shall be announced in all campus media. Polls shall be located in places appropriate to the nature of the specific election. Polls shall be available for evening students. (Revised 11/17/2004)
 - b. Voting instructions as approved by the Elections Committee must be listed on the ballot.
- 3.09 The following procedures shall be utilized at each poll site during balloting:
- a. In order to vote a student will need to access his/her student web portal and enter his/her student identification number and password.
 - b. Each student will be allowed to vote once. If for any reason a student is unable to vote, he/she will be instructed by a message on screen to contact the AS Government Affairs Office.
 - c. Each student will be able to vote for the following offices: AS President, AS Executive Vice President, AS Vice President of External Affairs, AS Vice President of University Affairs and AS Vice President of Finance. Only graduate students can vote for the Graduate Student Association President. Students may only vote for the AS Council representatives that affect their colleges. A dual-major student may only vote in one college, which will be pre-determined by the Elections Committee prior to the elections. (Revised 11/17/2004) (Revised 4/18/07)
 - d. Any visually and/or physically challenged voter who requires assistance in voting may have a person of their own choosing assist them with the voting process.
 - e. Once the poll worker has assigned a laptop to the voter, the poll worker shall not again touch the laptop until the voter has completed his/her voting.
 - f. Poll sites will close at the time indicated by the Elections Committee. All voters will be permitted to vote if they arrive at the poll site before or at the scheduled closing time of said poll site. Online voting maybe available at times before the campus poll site opens and/or after the campus poll site closes. (Revised 04/28/99)
- 3.10 The President, Executive Vice President, Vice President of External Affairs, Vice President of Finance, Vice President of University Affairs, Graduate Student Association President and A.S. Council representatives from the various colleges and the Undeclared Majors representatives shall be elected by a plurality vote. A student may not hold more than one elected office simultaneously. (Revised 4/17/02)

(Revised 4/18/07)

- 3.11 In the event of a tie vote for two or more candidates for the same elected office, the Committee shall determine and publish a date for a run-off election in all available media. The first date shall be within twenty-one (21) calendar days of the first day of the first election. The Committee shall, at the time of announcing the run-off date, specify further allowable campaigning as may be necessary for any run-off election. (Revised 5/17/95) (Revised 11/18/98)
- 3.12 Write-in candidates shall be entitled to a seat upon winning an election and meeting the other qualification(s) pursuant to applicable provisions within Sections 3, 4, and 5 of the Elections Code. The Elections Committee in accordance with Section 6 of the Elections Code shall disqualify those not meeting the qualifications. (Revised 11/18/98)
- 3.13 **Write-In Candidate Policy** (Revised 05/13/98) (Revised 11/18/98)
- a. If a SDSU student wishes to run as a write-in candidate during an A.S. election, candidacy must be officially declared by filing a completed candidate application at the Government Affairs Office (lower level, Aztec Center). (Revised 11/18/98, 4/17/02)
 - b. Write-in candidates must file a candidate application in person by 12:00 p.m. on the Friday before voting begins. (Revised 05/13/98) (Revised 11/18/98)
 - c. Write-in candidates must meet with an Elections Committee member to discuss proper rules of running before filing a candidate application.
 - d. Write-in candidates will not be a part of the candidate statement page which will be accessible to voters while voting.
 - e. If a voter chooses to vote for a write-in candidate, he/she will type-in the candidate's name in the designated ballot location for the office in question.
- 3.14 **Counting Write-in Votes** (Revised 11/18/98)
- a. Any name typed upon a ballot, including a reasonable facsimile of the spelling of such a name, shall be counted, unless prohibited by Subsection 3.13(b) for the office under which it is written, if it is written in the blank space provided for write-in candidates for said office, and that the bubble is filled in next to the name written; otherwise it shall be disregarded. (Revised 11/18/98)
 - b. No name typed upon a ballot in any A.S. Election shall be counted for an office unless the person named has fulfilled the write-in candidate policy as stated in Subsection 3.13. (Revised 11/18/98)
- 3.15 The Elections Committee shall maintain complete records of all elections, locations of polling places, lists of poll workers and the times and location of their attendance, copies of any written challenges or complaints or other documents giving rise to Committee hearings, requests for and results of recounts and any other information or documents appropriate to all elections for three (3) months after the election, or until any dispute arising from the election, is resolved. Election records shall be accessible to interested students, officers of the Associated Students, and officers of the University upon written request to the

Committee. At least one copy of the election results shall be maintained in the Associated Students files.

3.16 Special elections or an approved appointment process may be used to fill vacant seats on the A.S. Council, as outlined in Section 74 and/or Sections 27 and 28 of the A.S. bylaws. (Revised 11/18/98)

3.17 **Counting Ballots**

a. When the polls close on the final day of elections, the Elections Committee shall meet in a designated location that has the voting tabulation software available. No less than a quorum of the Elections Committee shall be present at the beginning of the voting tabulation process.

b. All results and documentation shall be retained in the AS Government Affairs Office until A.S. Council accepts the election results.

c. Election results shall be printed and signed by the Elections Coordinator and posted in the A.S. Government Affairs Office upon completion of the count.

3.18 **Ballot Security**

a. Ballot blanks shall be given sequence numbers so that ballots can be accounted for.

b. Only the AS Executive Director designee will have access to update the ballot content and to view updates. All such updates shall be reported to the Elections Committee. (Revised 11/17/2004)

c. At the end of each Election Day, the Elections Manager or designated committee member shall check the laptops from the poll sites back into the secured storage area.

Section 4 **Campaigning** (Revised 3/4/98, 05/13/98, 11/18/98, 02/24/99, 03/03/99, 11/19/08)

4.01 All candidates, including write-ins, shall conduct their campaign in accordance with the provisions of the Elections Code and any university, city, local, state and federal policies, laws, ordinances or regulations. (Revised 4/26/00)

4.02 Harassment is prohibited. This includes verbal, written (printed or electronic) and/or physical abuse by any candidate or person involved in a campaign. (Revised 4/26/95) (Revised 11/18/98, 4/19/06)

4.03 Advertising or campaigning, which is misleading or harmful to a candidate's opponent is prohibited. (Revised 03/03/99)

4.04 Campaigning includes any verbal or non-verbal action that promotes the election of an official or write-in candidate. This includes any material(s) that promotes the election of a candidate. (Revised 05/13/98) (Revised 03/03/99)

a. Verbal campaigning shall be defined as persuasive speaking to prospective voters that promotes the election of a candidate. (Revised 05/13/98) (Revised 11/18/98) (Revised 02/24/99)

- b. Active campaigning shall be defined as distribution of any materials, which promotes the election of a candidate. (Revised 05/13/98) (Revised 11/18/98)
- c. Campaign material shall be defined as any material that promotes the election of a candidate. This includes, but is not limited to, signs, badges, posters, tee shirts, flyers, balloons, etc. (Revised 05/13/98)

4.05 Campaigning may begin at 4:30 p.m. the second Friday after the last day of mandatory candidate meetings, providing the candidate has met the requirements set forth in Subsections 3.03 and 3.04. Campaign period shall be specified as a period of 14 consecutive days. (Revised 11/18/98) (Revised 03/03/99) (Revised 4/26/00)

- a. The physical construction of a frame on campus, which ultimately becomes part of a sign, shall be considered open campaigning.

4.06 Regulations and classifications of publicity for campus elections shall be found within this Subsection of the Elections Code. (Revised 03/03/99)

- a. The jurisdiction of the elections includes a one-mile radius of the SDSU campus proper. Candidates are not responsible for the delivery sites of the Daily Aztec outside this one-mile radius. There shall be no campaigning outside the one-mile radius of the SDSU campus proper. All campaigning must be in adherence to governing policies. (Revised 11/18/98, 02/24/99)
- b. Candidates shall refrain from placing flyers on motor vehicles. (Revised 02/24/99)
- c. Advertising or campaigning which endangers persons on campus or within the one-mile radius of the campus proper (as outlined in Section 4.06(a) of the Elections Code) is prohibited. (Revised 11/18/98, 02/24/99, 03/03/99)
- d. Persons shall refrain from posting campaign material over another candidate's material. (Revised 02/24/99)
- e. Candidates shall refrain from saturating any one area with their own publicity. Saturation is defined as having more than two signs in one viewpoint. Campanile Walkway shall be separated into two viewpoints because of its length. The two viewpoints at Campanile Walkway shall be divided at the Open Air Theatre. (Revised 05/13/98, 11/18/98, 02/24/99)
- f. No active or verbal campaigning or intimidation of any type shall occur that interferes with or unduly influences in any way a student while at the web site while attempting to cast a vote, or within one hundred (100) feet of an official polling place while that polling place is open for voting. Appropriate signage announcing the 100 feet restriction on campaigning activity shall be posted in a prominent location at each official polling place. The Elections Manager, Elections Coordinator, or designated committee member shall mark off the perimeter. Candidates are not responsible for the delivery sites of the Daily Aztec within the designated 100 feet of a polling site (Revised 5/17/95, 5/13/98, 11/18/98, 02/24/99, 11/17/04).
- g. No active or verbal campaigning shall occur in any University public-access facility that houses public-access computers with access to the World Wide Web. (Revised 11/17/04)
- h. Any person having anything to do with the running of the election,

counting of ballots, working at the polls, or working in an election area shall not wear or distribute any material promoting any candidate and shall not publicly campaign in an active or verbal manner on behalf of any candidate. There shall be no advertising or campaigning that interferes with classroom instruction without the consent of the professor or instructor.

(Revised 4/26/95, 11/18/98, 02/24/99, 4/19/06)

- i. There shall be no campaigning or advertising in the Love Library. (Revised 02/24/99)
- j. Campaign signs shall be placed only on grass-covered areas on campus, unless otherwise stated in the Elections Code and must be constructed in such a way that they are easily and reasonably movable by no more than two persons. Physical Plant and its employees shall not be responsible for damage caused to campaign materials in the process of moving them to perform their assigned tasks (including but not limited to mowing of grass areas). (Revised 11/18/98, 02/24/99, 4/19/06)
- k. An original of the printed and electronic campaign material must be submitted to the Elections Committee before distribution to determine the ownership of printed campaign materials and accountability of candidates for said materials. (Revised 05/13/98, 11/18/98, 02/24/99, 03/03/99)
- l. Each candidate shall be allowed any combination of posted signs or banners to total not more than forty (40). Four (4) of these campaign materials shall be no greater than eight (8) feet in height, eleven (11) feet in length and eight (8) feet in width. All other posted signs and banners shall be no greater than three (3) feet in height, two (2) feet in length and two (2) feet in width. (Revised 05/13/98, 11/18/98, 02/24/99, 4/26/00, 11/19/08)
 1. A sign shall be defined as including any type of attached support posts. A double-sided A-frame sign constitutes one sign. (Note: Badges, tee shirts, flyers, balloons, sandwich boards, etc. that are posted are thus reclassified as signs. Wearing of these items does not constitute posting.) (Revised 04/26/95, 05/13/98, 11/18/98)
 2. Height shall be measured from the top of the sign to the ground. Length shall be measured from the left of the sign to the right. Width shall be measured from the front of the sign to the back. Anything touching the sign or supporting the sign shall be included in the measurement. (Revised 05/13/98, 11/18/98)
- m. A \$100 deposit shall be collected from each candidate at the time he/she files application for the purpose of insuring that campaign signs will be removed from campus. (Revised 4/26/95, 11/18/98, 02/24/99)
- n. Any form of publicity defacing University property is prohibited. Examples of defacing property include the use of nails and thumbtacks in trees or injuring finished walls and buildings and the use of staked signs on University property. These examples are not intended to limit the application of the Elections Code to these certain areas. No campaign material shall be placed on any campus trees nor shall they be placed in tree wells or flowerbeds. No publicity shall be allowed on the Daily Aztec distribution boxes, light poles, or trash cans. No advertising shall come in contact with the walls of any building, including the writing on

chalkboards in classrooms, except areas that are currently approved as general posting areas (i.e. the wall below the iron railing on the west side of the Dining Commons, and the walls surrounding the periphery of Aztec Center). There shall be no written endorsements or campaigning of any kind on the chalkboards in classrooms or campus thereof. If there is any doubt with regards to the posting area, the candidate(s) should consult the Elections Committee before posting materials on the area in question. (Revised 11/18/98, 02/24/99)

- o. All campaign posters, signs, and banners shall be removed by 4:30 p.m. on the day after the election. Campaign materials still up after this time shall be removed and disposed of by A.S. staff. If campaign material is not removed from campus by this time, the \$100 candidate deposit shall be forfeited. (Revised 11/18/98, 02/24/99)
- p. Use of telecommunications for campaigning shall be limited. Telecommunications for the purpose of elections shall be defined as: The use of telephones, paging, voicemail, e-mail, World Wide Web (WWW), Internet, Instant Messaging, SMS/Text Messaging, Telnet, Bulletin Board System (BBS), computer network, computer program, fax, television, radio or cable. Use of radio, cable and television shall be used for non-commercial/non-advertising publication of debates and/or interviews of candidates. World Wide Web (WWW), Internet, computer networks and computer programs may be used if they do not impede the educational process as outlined by San Diego State University and/or the California Educational Code or violate another subsection of this Elections Code. The material posted to the World Wide Web (WWW), Internet, Telnet, Bulletin Board System (BBS), computer network or computer program, must be submitted to the Elections Committee before distribution to determine the ownership of electronically distributed campaign materials and accountability of candidates for said materials. Use of said materials does not constitute a violation of subsection 4.06c of this Elections Code (1-mile radius restriction). There shall be no use of instant messaging, text messaging, fax, voicemail, paging or telephone for campaigning, in addition, no e-mail addresses, screen names, or other form of contact information shall be included in material posted to the World Wide Web (WWW), in order to accurately monitor possible violations of this or other subsections of this Elections Code. (Revised 11/19/08)

 - 1. The use of email is permitted, with the following stipulations: emails can only be sent to persons the candidate knows. E-mails cannot be sent to students who you do not know. Excessive e-mailing will not be permitted. Excessive emailing will be determined to be a form of spamming, which is a disruptive message sent to email accounts of persons the sender does not know. All emails sent must include an opt-out method for recipients to inform the sender not to send future email messages, and all opt-out requests must be honored by the sender. (Revised 11/19/08)
 - 2. Social networking websites (including, but not limited to MySpace, Friendster, Facebook, etc.) shall be allowed for use in campaigning pursuant to the following conditions:
 - A. The following definitions shall be used in consideration of these rules:

- i. Content shall be defined as any material (including, but not limited to text, pictures, audio and video) which exists on any given page and is under any reasonable amount of control by the candidate/site profile owner. Candidates are thus not responsible for advertisements automatically inserted into the site by the host or site structural elements which are determined by the host or host policy.
 - ii. 'host' shall be defined as the company which operates the root domain (including, but not limited to myspace.com, facebook.com, etc.) and/or with which the profile holder has entered into a use agreement.
- B. Campaigning shall not be allowed on sites which forbid campaigning.
- C. Such campaigning shall not be abusive, libelous/slanderous, or in any way deleterious to competitors, competitors campaign members, or any other person or organization. Candidates are reminded that websites are considered to be public documents.
- D. Because candidates have the ability to delete offending content from their profile pages, candidates shall be considered to be responsible for any text, images, audio, or media of any kind posted by themselves or by others on their profile pages. The acceptable time frame to remove offensive content from pages shall be determined by the Elections Committee.
- E. The creation of artificial profile pages for the purpose of misleading potential voters or for discrediting opponents shall result in immediate disqualification, subject to action by the Elections Committee.
- F. Any copyrighted media content must be used with authorization from the copyright holder and in accordance with any applicable laws. All content on candidate's pages is subject to the agreements appropriate to each site. The Associated Students makes no claim to supersede or override such agreements.
- G. All major site content relating in any way to the campaign (profile text, 'About Me' section, etc.) must be submitted prior to posting to the Elections Committee. Comments need not be submitted to the Committee beforehand and are thus a forum for free exchange of ideas and statements, subject to the rules provided in these Bylaws.
 - i. Comments shall not be abusive in nature, number, content, or volume.
 - ii. While not prohibiting such action, the Committee would like to strongly urge candidates and supporters to refrain from posting on the sites of opponents.
 - iii. Photos posted during the campaign need not be on file with the Committee provided the content of the photos is in accordance with these Bylaws.
 - iv. Any photos depicting campaign materials which are not on file with the Committee shall not be allowed.
- H. The creation of groups within the social networking sites shall be allowed, pursuant to the restrictions and provisions provided in these Bylaws.
- I. Messaging and posting on social networking sites shall be permitted. Messages on social networking sites are not considered e-mails. (Revised 11/19/08)

- J. User names on social networking sites shall be appropriate and in accordance with these Rules.
- K. Candidates may post a direct link to their social network profile on their campaign materials so long as it contains content accessible to the public and is in accordance with these Rules. (Revised 11/19/08)

- q. Candidates may post a link to the student web portal from their campaign sites. The link may not appear or be activated until the opening hour of the first day of elections. The link language must read “Vote Now on the SDSU WebPortal!” and the hyperlink must directly reference “http://www.sdsu.edu/portal”. Any reference to voting on the SDSU WebPortal must be comprised solely of neutral language. The URL for the WebPortal may be printed on T-shirts, flyers, signs, stickers, etc. (Added 11/17/2004, 4/19/06)
- r. There shall be no verbal or written campaigning (use of flyers, buttons, stickers, signs, etc.) during A.S. Council meetings or meetings of any board or committee under the jurisdiction of the A.S. Council. (Revised 4/26/00)
- s. Campaign materials (as defined in these bylaws) will be allowed within the campus Residence Halls only in accordance with the Solicitation Policy of the Residential Education Office. No campaign materials shall be posted in ‘common’ areas of the Residence Halls. This includes, but is not limited to, the interior and exterior areas of the halls, front desks, main lobbies, lounges, doors (including doors to residents’ rooms), hallways, and bulletin boards. Whereas it is not the policy of the Associated Students to censor student clothing, campaign T-shirts shall be allowed to be worn in the Residence Halls in accordance with Residence Hall policy. In all cases, the Solicitation Policy of the Residence Halls shall dictate policy where the provisions of this section are in conflict with the Solicitation Policy. (Added 4/21/04, 4/19/06)

4.07 All candidates shall be required to be present at the scheduled election orientation meeting of the Elections Committee. The meeting shall consist of an explanation of the Elections Code with a question and answer period. Excused absences will be granted for only very compelling reasons. (**Note: Re-read Subsection 3.03.**) (Revised 11/18/98) (Revised 03/03/99)

4.08 Misrepresentation in advertising or campaigning is prohibited. (Revised 4/26/00)

Section 5

Campaign Finances (Revised 5/17/95, 3/4/98, 5/13/98, 11/18/98, 02/24/99, 11/19/08)

5.01 The candidate shall be required to turn into the Elections Coordinator, at the Government Affairs Office, a campaign finance statement listing all his/her campaign expenses by 4:00 p.m. the day after the regular and run-off elections. This statement must be time-stamped to be considered “turned in.” This statement shall include the following: (Revised 05/13/98) (Revised 11/18/98)

- a. The receipts of all items purchased. These shall include the name and telephone number of the seller. (Revised 11/18/98)
- b. A listing of all gifts, donations, and/or rental materials.
- c. All professional labor costs.
- d. All previously owned materials. (Revised 11/18/98)

- e. Newspaper ads and classifieds which promote a candidate, unless it can be shown that the candidate did not consent to the placement.
- f. Written estimates for any expenses without a receipt must also be attached. This includes estimates for donated items and/or services. (Revised 05/13/98)

5.02 An itemized campaign expense statement shall be required of all candidates regardless of the amount of money spent, even if no money is spent. (Revised 11/18/98)

5.03 If a candidate receives any gifts, discounts and/or donations, retail cost shall be counted in the candidate's expenditure statement. (Revised 11/18/98)

5.04 A candidate running under an Associated Students election shall be allowed to accumulate a maximum total of \$5,000 in gifts, discounts and/or donations by businesses and/or organizations. (Revised 4/26/00, 11/19/08)

5.05 In the case that any candidate is forced into a run-off election, the candidate shall be allowed a maximum total \$1,500 of gifts, discounts and/or donations by businesses and/or organizations. (Revised 11/18/98, 11/19/08)

5.06 Signs and campaign materials listed by candidates in their campaign expenditure statement for regular A.S. elections need not be included as a gift, discount and/or donation for the run-off elections. All new gifts, discounts and/or donations used during the run-off elections shall be listed on the new campaign expenditure statement. (Revised 11/18/98)

5.07 The retail cost of all gifts, discounts and/or donations shall be determined by getting the cost from two (2) retail outlets and selecting the lowest one of them. This cost study which shall include the name, address, and phone number of companies contacted shall be included in the final expense sheet turned in to the Elections Coordinator. (Revised 11/18/98)

5.08 Depreciation value of used materials that are implemented by a candidate for campaigning purposes shall be listed on their campaign expenditure statement. These used materials shall be discounted 50% (fifty percent) of their current retail value. (Revised 11/18/98)

5.09 All professional labor related to the candidate's campaign, including material that was produced prior to the election must be considered a gift, discount and/or donation and must be computed at its fair market value less depreciation. Volunteer promotion work need not be included in the campaign statement. (Revised 11/18/98)

5.10 **Candidate Endorsement Policy** (Revised 3/4/98) (Revised 5/13/98) (Revised 11/18/98) (Revised 03/03/99)

A candidate need not include endorsement by a campus organization in their campaign expenditure statement if:

- a. They are endorsed in written materials (flyers or newsletters published by the organization) regularly distributed to members of the organization during an announced, scheduled meeting of the organization.
- b. They are endorsed during announced scheduled meetings of the organization.

- c. They are endorsed through posted materials within the office of the organization. The office of an organization shall be defined as one designated room in which the organization conducts their official business.
- d. All endorsements shall adhere to Section 4.06(k) of this Code. (Revised 05/13/98) (Revised 11/18/98) (Revised 02/24/99) (Revised 03/03/99)

Section 6

Violations of the Elections Code (Revised 3/4/98) (Revised 5/13/98) (Revised 11/18/98) (Revised 02/24/99)

- 6.01 All complaints of violations of the Elections Code shall be presented, in writing, to the Elections Coordinator. (Revised 11/18/98)
- 6.02 All complaints shall be submitted by the first day of voting, unless the complaint involves events subsequent to the first day of voting. (Revised 11/18/98)
- 6.03 The Elections Committee shall make a ruling upon a complaint within two (2) school days of the submission of that complaint. A two-thirds (2/3) vote of the Elections Committee (members present and voting) shall be required for a complaint of a violation to be upheld. (See Subsections 2.02 and 6.06). (Revised 11/18/98)
- 6.04 For a review by the Elections Committee of complaints or violations to be official, six (6)-voting members of the Elections Committee, including the Elections Coordinator shall be present. In order to afford the accused candidate substantive due process, both the candidate and the author of the complaint shall be invited to attend the review meeting and both shall be afforded the opportunity to speak for and against the accusation. (Revised 11/18/98)
- 6.05 **Penalties for Violations of the Elections Code** (Revised 3/4/98) (Revised 11/18/98) (Revised 02/24/99) (Revised 03/03/99) (Revised 04/28/99) (Revised 5/08/02)
 - a. Violations of Sections 4.01, 4.02, 4.05, 4.06(a), 4.06(b), 4.06(d), 4.06(p), 4.06(r), 4.07 and 4.08 shall result in disqualification. (Revised 10/12/94) (Revised 11/18/98) (Revised 02/24/99) (Revised 03/03/99) (Revised 04/28/99) (Revised 4/26/00) (Revised 5/08/02, 11/17/04)
 - b. Violations of Sections 4.06(e), 4.06(f), 4.06 (g) 4.06(h), 4.06(i), 4.06(j), 4.06(k), 4.06(n), 4.06(o), 4.06(q) and 4.06(s) shall result in a reprimand. (Revised 05/13/98) (Revised 11/18/98) (Revised 02/24/99) (Revised 03/03/99) (Revised 4/28/99,4/21/04, 11/17/04)
 - c. Violations of Sections 4.06(c), 4.06(l), 4.06(m) and/or Sections 5.0 through 5.10, shall result in a reprimand with the possibility of disqualification. By this, the committee can recommend either a reprimand or disqualification for violations to these specific sections. Should a candidate fail to submit required documents needed in this section completely, he or she shall be disqualified. (Revised 11/18/98) (Revised 02/24/99) (Revised 03/03/99) (Revised 5/08/02, 11/17/04)
 - d. A two-thirds (2/3) vote of the Elections Committee shall be required before a penalty against a candidate will be official as outlined in Section 6.03. (Revised 11/18/98)
- 6.06 Any candidate who accumulates three or more reprimands or does not comply with conditions in the reprimand shall be disqualified from the election. Each sign violation counts as one reprimand. Candidates shall be required to submit written evidence to the Elections Committee that they have made a “good faith” effort to meet the conditions of the reprimand within two days of the decision by the Elections Committee. (Revised 11/18/98)

6.07 The A.S. Council, with a majority vote of those members present and voting, may disqualify a candidate upon recommendation from the Election Committee for said candidate to be disqualified. In the case that a candidate is disqualified, the candidate with the next highest vote count for that seat shall assume the vacated seat. (Revised 05/13/98) (Revised 11/18/98)

6.08 The A.S. Council, with a two-thirds (2/3) vote of those members present and voting may invalidate any elections within its jurisdiction when a meeting of the Elections Committee has shown that sufficient evidence exists that violations of the Elections Code may have significantly affected the results of that election. Such evidence shall be submitted to and reviewed by the A.S. Council prior to holding the vote to invalidate said election. (Revised 11/18/98)

6.09 The Elections Committee shall announce, with the approval of the A.S. Council, the conditions and dates of alternate elections at the time that the election is invalidated, and shall specify whether additional candidates or provisions may be added or removed from the specific ballot and the conditions under which they may be added or removed.

Section 7 Campus Fee and Student Body Organization Fee Referenda (Adopted 04/28/99)

7.01 Purpose

Campus fee referenda may be run by the campus or by written agreement with the Associated Students. This section of the Elections Code contains guidelines for the conduct of campus fee referenda when conducted by the Associated Students.

7.02 Call for a Fee Referendum

The University President, with advice from the Campus Fee Advisory Committee, may call an advisory campus fee referendum. The call for a binding referendum for adjustment in the student body organization fee may be made by the A.S. Council or upon presentation to the University President of a petition containing the names, signatures and student ID numbers of at least ten (10) percent of the regularly enrolled students. The Associated Students shall pay costs of a referendum for adjustment in the student body organization fee. Costs for all other advisory campus fee referenda called by the campus shall be paid by the campus.

7.03 Notice and Requirement for Voter Pamphlet

- a. The Campus Fee Advisory Committee shall issue a voter pamphlet providing objective analysis of the proposed fee action and statements solicited for and against the proposed fee action. The voter pamphlet must be printed and have the ability to be accessed on the student's web portal.
- b. Copies of the voter pamphlet and ballot information regarding dates, times and polling locations shall be available to students and published in the *Daily Aztec* and at the University web site at least thirty (30) days prior to the referendum. Distribution of the voter pamphlet prior to the election shall be in locations determined by the Campus Fee Advisory Committee in consultation with Associated Students. It must also be posted on the student's web portal. (Revised 4/26/00)

- c. Any summary of the proposed fee action included in the voter pamphlet should be brief and limited in scope to clarification of the meaning and intent of the referendum language. The objective analysis of the fee referendum shall include the benefits and liabilities of both passage and defeat of the fee referendum. Pro and con statements may be no longer than five hundred (500) words. All statements should be submitted containing only upper/lower case, numbers and standard punctuation. Use of bold face and underline is allowed. However, Italics, graphics, stars, bullets and other symbols are prohibited. The formatting of the text is at the discretion of the Campus Fee Advisory Committee, with all statements being set in the same typeface and font. Once submitted, a statement can only be changed for spelling, grammar and factual accuracy, and only with the approval of the submitter. (Revised 4/26/00)
- d. In addition to the objective analysis and the summary of the proposed fee action, the pamphlet shall include only one statement for and one statement against the fee action and a rebuttal to each. Rebuttal statements shall be no longer than two hundred-fifty (250) words and are subject to the same conditions as the pro/con statements outlined in Section 7.03(c). Notices shall be placed in the *Daily Aztec* soliciting statements for and statements against the proposed fee action. Those submitting statements for and statements against the proposed fee action shall be invited to attend the meeting and participate in the discussion where the one statement for and the one statement against the proposed fee action are selected. The Campus Fee Advisory Committee shall be responsible for selecting the statement for and the statement against the proposed fee action from those duly submitted, giving careful consideration to the advice from those present who submitted statements for and statements against the proposed fee action. Once a statement for or against the proposed fee action has been submitted to and received by the Campus Fee Advisory Committee, its contents shall not be edited or changed. (Revised 4/26/00)

7.04

Conduct

The referenda shall be web-based and conducted held on the SDSU campus on dates and at times and locations approved by the Campus Fee Advisory Committee. The referenda shall be held on at least two consecutive days during the regular academic year while the campus is in session except Friday, Saturday or Sunday. In addition to campus computer laboratories and other facilities with student access to the Internet, the Elections Committee shall provide at least one temporary poll site on campus for a minimum of 10 hours per day for each day of the referenda voting period, as approved by the Campus Fee Advisory Committee. (Revised 11/17/2004)

7.05

Results

- a. The results of an advisory referendum are subject to final approval by the University President.
- b. An adjustment to the student body organization fee must be approved by a majority of students voting in a referendum. An approved adjustment in the student body organization fee shall take effect with the beginning of the academic year following that in which the referendum was held.
- c. The results of the referendum shall be posted publicly at the A.S. Government Affairs Office on the SDSU campus and published in the *Daily*

Aztec, along with the referendum appeal process described in Section 7.14 of this Code. The publication of the unofficial voting results, as approved by A.S Council, along with the appeal process described in Section 7.14 of this Code shall occur prior to any action by the Campus Fee Advisory Committee including but not limited to forwarding their recommendation and results to the University President. Once this has occurred, the results shall also be forwarded to the University President with a recommendation from the Campus Fee Advisory Committee in conformity with Section 3.17 of the Elections Code, in its entirety. (Revised 11/17/2004)

7.06

Electioneering

- a. The approved voter pamphlet described in Section 7.03 of this Code shall be available electronically when a student is voting.. With the exception of the approved voter pamphlet, no verbal electioneering or placement of signs or distribution of materials or otherwise, for or against the fee action shall be accessible on the web portal or occur within 100 feet of any polling location as further specified in Section 4.06 (f) and (g) of the Elections Code.
- b. Persons found to be in violations of Section 7.06 (a) shall be subject to appropriate disciplinary action, including applicable personnel policies, if any, as determined by the University.

7.07

Advocacy

- a. University faculty, administration, staff and students may advocate a position on a proposed campus fee or student body organization fee action through any legal means including publication and distribution of written materials, organized debates and/or public forums. Any printed materials or advertising advocating a position on a proposed campus fee or student body organization fee action should include the names of the person(s) or group(s) sponsoring the advocacy material and their status as a student or non-student. The A.S. Elections Committee and the Campus Fee Advisory Committee shall make every reasonable effort to inform student and campus organizations of these requirements. (Revised 11/17/2004)
- b. No employee of the Associated Students, with the exception of the five executive officers, shall engage in any advocacy for or against a proposed fee action during their regular work shift without the approval of the A.S. Council. None of the resources of the Associated Students, including but not limited to the A.S. web site, shall be utilized to advocate a position for or against a proposed fee action without the approval of the A.S. Council. The A.S. Executive Director shall provide a written report to the A.S. Council of all proposed uses of A.S. staff and/or other resources prior to implementation. (Revised 11/17/2004)
- c. Recognized student organizations, campus organizations and/or campus departments expending funds in support of or opposition to a campus fee referenda must submit a written statement to the Campus Fee Advisory Committee containing full disclosure of all expenditures and all sources of funds used to support or oppose the proposed fee action. Written statements must be submitted in accordance with this subsection within three (3) business days of the last day of voting.

7.08

Election Personnel (Revised 4/16/08)

- a. Campus fee referenda conducted by the Associated Students shall be overseen and administered by the Elections Coordinator and the Elections Committee who shall ensure that poll workers are hired and supervised, polling location(s) is/are set-up and taken down daily and that a minimum of one poll worker are at each polling location for the specified hours of operation during the referenda.
- b. The Elections Coordinator shall be responsible, in part, for the execution of the provisions of Sections 2.07 (c), (d), (e), (f), (g) and (h) of the Elections Code.
- c. The Elections Coordinator and all poll workers shall maintain public neutrality on the fee action presented in the referenda and shall conform to the provisions of Section 4.06 (h) of the Elections Code.

7.09 **Voter Eligibility**

The electorate shall consist of all regularly enrolled students at the SDSU West (main) campus. Both undergraduate and graduate students shall be eligible to vote.

7.10 **Ballots**

The Campus Fee Advisory Committee shall determine and approve the wording of the referendum ballot. The Elections Coordinator shall arrange for downloading and security of electronic ballots in conformity with the provisions of Section 3.18 of the Elections Code, in its entirety.

7.11 **Voting Procedures**

Voting procedures shall be identical to those used in A.S. general elections, as outlined in Section 3.09 of the Elections Code, in its entirety. Apart from the materials necessary to execute the referenda process, only the voter pamphlet shall be present on the student web portal and made available to the individual voter.

7.12 **Ballot Counting**

The Elections Coordinator shall arrange for ballot counting in conformity with the provisions of Sections 3.17 (a), (b) and (c) of the Elections Code. Accommodations shall be arranged for authorized individuals (in consultation with the Campus Fee Advisory Committee) to be present, while maintaining security of the results themselves. (Revised 4/26/00)

7.13 **Maintenance of Records**

The Elections Coordinator shall maintain complete records of the referendum, locations of polling places, and lists of poll workers and the times and location of their attendance, used and used ballots, election rosters, and any other information or documents appropriate for the referendum for at least three (3) months after the referendum, or the resolution of any election-related disputes or appeals, whichever is later.

7.14 **Referenda Appeal Process**

Any student, faculty member, administrator or staff member may make written appeal to the Elections Committee for review of conduct of a referendum within three (3) business days after the results of the referendum have been announced as specified in Section 7.05 (b) of the Elections Code. The Elections Committee shall call and conduct an appeal hearing within two (2) business days of receipt of a written appeal submitted in conformity with this section of the Elections Code. Within three (3) business days of the hearing, the Elections Coordinator shall submit a written report of the findings of the Elections Committee with regard to the appeal, to the Campus Fee Advisory Committee. The Campus Fee Advisory Committee shall determine the validity of the referendum after considering the findings of the Elections Committee.

7.15

Changes to Section 7 of the Elections Code

Any changes to this section (Section 7) of the Elections Code will be sent to the Campus Fee Advisory Committee for their information. (Revised 4/26/00)