

**ASSOCIATED STUDENTS OF SAN DIEGO STATE UNIVERSITY
ARTICLES**

ARTICLE III **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, 12/02/09, 11/30/2011, 11/28/12, 12/2/13, 12/1/14, 11/09/15, 12/12/16)

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. Judicial Affairs Council appointed by the A.S. Board of Directors (ASBOD), and eight student-at-large seats appointed in accordance with Article IV of the A.S. Standing Committee Code, all of whom shall be voting members and shall serve for a period of one academic year, and shall be eligible for reappointment. There shall also be the following designated, non-voting members: the SDSU Vice President of Student Affairs or a designee, and the A.S. Executive Director or a designee. A quorum of the committee shall be fifty percent plus one of the filled voting seats. (Revised 11/18/98, 11/17/2004)

- 1.03 The 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*. Applicants shall be interviewed by the Ad-Hoc Vacancy Committee. The Ad-Hoc Vacancy Committee shall then forward a final recommendation to the ASJAC for ratification by a majority vote of those ASJAC members present and voting. The Elections Coordinator shall serve for a period of one academic year, and may reapply for an additional term. (Revised 11/18/98)

- 1.04 The Elections Coordinator may be removed by a two-thirds (2/3) vote of the ASJAC and the approval of the ASBOD. 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 ASJAC. (This document may include, but is not limited to, improper conduct or incompetence.)
 - B. ASJAC 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 as well as the Elections Coordinator, both of whom shall be invited to attend the meeting.
 - C. ASJAC has forwarded a recommendation of removal of the Elections Coordinator to the ASBOD.

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 Chief Justice with the approval of the ASBOD by simple majority. (Revised 11/18/98)

- 1.05 All members of the Elections Committee shall be members of the organization 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 organization that are students-at-large and are not already officers of the organization (with the exception of the two (2) ASJAC members and the University VP of Student Affairs or designee outlined in Subsection 1.02.) Student-at-large seats shall be restricted to students-at-large. (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/unclassified, based on the most recent enrollment figures available prior to that election based on information provided by the University. (Revised 11/18/98)
- 2.02 It shall be the duty of the Elections Committee to interpret and enforce the Elections Code. (Revised 11/18/98)
- 2.03 Penalties are determined by the Elections Committee without the additional approval of ASJAC or ASBOD. Any appeals to a decision of the Elections Committee shall be forwarded for timely resolution to the Appeals Panel.
- 2.04 The Appeals Panel shall consist of the University Vice President of Student Affairs or a designee, the University Vice President of Business and Financial Affairs or a designee, and the Chair of the University Senate or a designee. The Elections Coordinator and the A.S. Executive Director or designee shall serve as designated non-voting members. In the event of an appeal, the panel may choose to hear the case based on its merits.
- 2.05 A.S. General and Special elections polling times and ballot position shall be subject to the approval of the ASJAC.
- 2.06 The duties and responsibilities of the Elections Coordinator shall be as follows:
- A. Administer all types of 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, and other notices relevant to the election are publicized.
 - D. To make regular reports to the ASJAC regarding the election.
 - E. To maintain public neutrality concerning 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 that expenditure reports conform to the \$800 per candidate 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 first meeting of the semester.
 - L. Ensure preparation of the candidate Nomination Packet and approved election schedule.
 - M. Ensure all required advertisements are placed in the *Daily Aztec* publicizing all available positions as well as the dates and access information for voting.
 - N. Place work orders for hanging of election promotional banners.
 - O. Ensure input of approved ballot language and candidate order into election software.
 - P. Serve as a designated non-voting member of the Appeals Panel.
- 2.07 The Elections Committee and the Elections Coordinator shall perform any other duties pertaining directly to A.S. elections as may be required by ASJAC, the Elections Code or by contract with the organization. (Revised 11/18/98)
- 2.08 Elections Committee may make recommendations to amend this Code to the ASJAC which shall then forward their recommendations based on the Elections Committee recommendations to the ASBOD. (Revised 04/28/99)

GENERAL ELECTIONS

SECTION 3 Election Procedures (Revised 11/18/98)

- 3.01 A.S. general elections and any special elections called by the AS BOD shall be conducted utilizing an approved web-based format and accessible to all persons, anywhere in the world, who are enrolled at SDSU and have paid their regular Student Body Organization fees for the semester in which the election is taking place (organization regular members), 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 11/17/04)
- 3.02 ASBOD, A.S. University Council (ASUC), A.S. Campus Life Council (ASCLC) or the ASJAC, as governing bodies, shall not endorse any candidates for any office. The Elections Committee 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 shall be time-stamped in the A.S. Government Affairs Office (GAO) 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 shall appear in person to obtain nomination materials at the GAO.
- 3.05 **Candidate Policy** (Revised 05/13/98) (Revised 11/18/98)
- A. All candidates shall 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 college seats shall 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. (Revised 05/13/98, 7/17/02)
 - C. At the time of application submission, all prospective candidates for the A.S. Campus Life Council (ASCLC) shall declare the position for which they are seeking. (Revised 11/28/12)
 - 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. Changes to the name of a candidate on the elections ballot shall be made only 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 elections shall be selected by the Elections Committee with the approval of the ASJAC. Selection of times and balloting shall be established by the Elections Committee with the approval of ASJAC.
- 3.08 Voting instructions as approved by the Elections Committee shall be listed on the ballot.
- 3.09 The following procedures shall be utilized 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 A.S. office.
 - C. Each student will be able to vote for the following offices:
 1. Executive Officer positions - A.S. President, A.S. Executive Vice President, A.S. Vice President of External Relations, A.S. Vice President of University Affairs and A.S. Vice President of Financial Affairs.
 2. Seven (7) ASCLC student at-large Commissioners, and two (2) ASCLC student at-large Campus Representatives, as described in Section 3.05c, above.
 3. Only graduate students can vote for the Graduate Student Association President.
 4. Students may only vote for the ASUC college representatives that run for their

particular college. 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.
- 3.10 The A.S. President, Executive Vice President, Vice President of External Relations, Vice President of Financial Affairs, Vice President of University Affairs, ASCLC Commissioner, ASCLC Campus Representative, Graduate Student Association President and ASUC college representatives and undeclared/unclassified 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 Election 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, specify further allowable campaigning at the time of announcing the run-off date, 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 In the event that a candidate withdraws from the election after the WebPortal ballot has been finalized and programmed for voting, the Elections Coordinator should make every effort to notify potential voters as soon as possible. Any votes the candidate who withdrew received shall be counted and made public when the elections results are given.
- 3.14 **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 shall be officially declared by filing a completed candidate application at the GAO. (Revised 11/18/98, 4/17/02)
- B. Write-in candidates shall 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 shall 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.
- 3.15 **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 3.14(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 Section 3.14. (Revised 11/18/98)

3.16 The Elections Committee shall maintain complete records of all elections, 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, A.S. officers, and officers of the University upon written request to the Committee. At least one copy of the election results shall be maintained in the A.S. files.

3.17 An approved appointment process may be used to fill vacant seats on the ASBOD, as specified in the A.S. bylaws. (Revised 11/18/98)

3.18 **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 office until ASJAC accepts the election results.
- C. Election results shall be printed and signed by the Elections Coordinator and posted in the AS office upon completion of the count.

3.19 **Ballot Security**

- A. Ballots shall be given sequence numbers so that ballots can be accounted for.
- B. Only the A.S. Executive Director or 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)

SECTION 4 Campaigning (Revised 3/4/98, 05/13/98, 11/18/98, 02/24/99, 03/03/99, 11/19/08, 11/19/08, 11/30/11)

4.01 All candidates shall be responsible to ensure that all aspects of their campaign, including materials and activities, conform to the Elections Code.

4.02 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 as determined by the Elections Committee. **(Note: Re-read Subsection 3.03.)** (Revised 11/18/98) (Revised 03/03/99)

4.03 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)

- 4.04 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)
- 4.05 Advertising or campaigning, which is misleading or harmful to a candidate's opponent is prohibited. (Revised 03/03/99)
- 4.06 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, and electronic communication. (Revised 05/13/98)
- 4.07 **Campaign Signs**
- A. The placement of campaign materials and campaigning of any kind may begin at 4:30 p.m. on the date established by the Elections Committee 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)
 - B. The physical construction of a frame on campus, which ultimately becomes a part of a sign, shall be considered campaigning. Any visible activity related to the reservation of space or preparation to campaign is subject to a maximum of 10 hours in advance of open campaigning. All individuals affiliated with a campaign shall complete and submit a signed waiver of liability provided by the Elections Committee via the GAO in advance of engaging in campaign activities. All campaign activities shall conform to the SDSU Building and Grounds Policy, which can be found at <http://bfa.sdsu.edu/policies/pdf/BuildGroundRegulations.pdf>.
- 4.08 Regulations and classifications of publicity for campus elections shall be found within this Subsection of the Elections Code. (Revised 03/03/99)
- A. The area within which these regulations shall apply and be enforceable by the Elections Committee, 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 shall 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 that endangers persons on campus or within the one-mile radius of the campus proper (as outlined in Section 4.08(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 one sign 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. A viewpoint shall be defined as items within peripheral vision from a fixed point. (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, including but not limited to members affiliated with a campaign presenting students with a means to vote (Revised 5/17/95, 5/13/98, 11/18/98, 02/24/99, 11/17/04, 12/12/16).
 - 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, 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 shall be constructed in such a way that they are easily and reasonably movable by no more than two persons. SDSU Facilities Services 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 shall 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)
 - 3. Each candidate must turn in a printed map and/or list of the locations of where the candidate has placed his/her stand-alone signs before the signs are made public. If stand-alone signs are added at a later date, an updated map and/or list

must be submitted before the signs are made public.

- 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 but are not limited to 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 Student Union). There shall be no written endorsements or campaigning of any kind on the chalkboards in classrooms or campus thereof. (Revised 11/18/98, 02/24/99)
- O. All campaign posters, signs, and banners shall be removed by 8:30 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. Telecommunication may be used if it does 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. Telecommunication material shall 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 telephone calls or SMS/Text messaging for the purposes of soliciting votes. (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 shall include an opt-out method for recipients to inform the sender not to send future email messages, and all opt-out requests shall be honored by the sender. (Revised 11/19/08)
 - 2. Social networking websites (including, but not limited to MySpace, Facebook, Twitter, 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:
 - 1. 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 that are determined by the host or host policy.
2. '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 that 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 shall 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.) shall 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 this Elections Code.
 1. Comments shall not be abusive in nature, number, content, or volume.
 2. While not prohibiting such action, the Committee would like to strongly urge candidates and supporters to refrain from posting on the sites of opponents.
 3. 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.
 4. 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 this Elections Code.
 - 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. (Revised 11/19/08)
 - l. The use of Blackboard for campaigning is not permitted.

- Q. Candidates may post a link to the student web portal from their campaign sites. The URL for the WebPortal may be included on campaign material. (Added 11/17/2004, 4/19/06)
 - R. There shall be no verbal or written campaigning (use of flyers, buttons, stickers, signs, etc.) during ASBOD, ASUC, ASCLC or ASJAC meetings or meetings of any council, commission, board, sub-board or committee under the jurisdiction of the A.S.. (Revised 4/26/00)
 - S. Campaign materials (as defined in this Elections Code) will be allowed within the campus Residence Halls only in accordance with the Solicitation Policy of the Residential Education Office. 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)
 - T. There is to be no campaigning within 100 feet of an official or unofficial pollsite.
 - U. Door to door campaigning shall not be permitted in places of residence, including but not limited to apartments, houses, etc. between the hours of 9 pm and 9 am, and during the hours of voting. Door to door campaigning is not permitted in the Residence Halls at anytime. (Added 12/12/16)
 - V. Candidates shall refrain from publicly sharing materials prior to the designated campaign period that later becomes campaign materials. (Added 12/12/16)
- W.If there is any doubt with regards to the Elections Code, the candidate(s) should consult the Elections Committee.

SECTION 5 Campaign Finances (Revised 5/17/95, 3/4/98, 5/13/98, 11/18/98, 02/24/99, 11/19/08, 11/28/12)

- 5.01 Each candidate shall be required to turn into the Elections Committee at the AS office a campaign finance statement listing all their campaign totals by 12 pm on the first Monday following the regular and run-off elections. This statement shall be time stamped to be considered turned in. Failure to comply will result in loss of campaign deposit. (Revised 05/13/98) (Revised 11/18/98, 11/30/11)
- 5.02 The total amount an individual candidate is permitted to spend on his/her campaign, including cash donations and estimated value of donated materials as set by the elections committee, shall not exceed \$800. (Added 11/28/12)
- 5.03 **Candidate Endorsement Policy** (Revised 3/4/98) (Revised 5/13/98) (Revised 11/18/98) (Revised 03/03/99)

Candidate endorsement activities shall be subject to this Elections Code, except for internal communication with student organizations' own members.

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 Complaints of violations of the Elections Code shall be presented, in writing, to the Elections Committee via the AS office. The Elections Committee has the authority to find a candidate in violation and to decide a penalty. Except for violations of the Student Initiative Referendum (SIR) as set forth below, the Election Committee's decision is subject only to review by the Appeals Panel. (Revised 11/18/98)

- 6.02 All complaints shall be submitted by 4:30 pm on the second business day after becoming aware of the alleged violation. All complaints shall be submitted at least two business days before the ASJAC is scheduled to approve the General Elections results (i.e. For a Wednesday meeting, submittals need to be turned in by the close of business on Monday). (Revised 11/18/98)
- 6.03 If the Elections Committee is aware of a violation of the Elections Code, they may call a special hearing to review the possible violation. This hearing will be treated the same as a complaint hearing.
- 6.04 The Elections Committee shall make a ruling upon a complaint within two (2) business days of the submission of that complaint. For a complaint to be addressed six (6) voting members of the Elections Committee shall be present. A two-thirds (2/3) vote of the Elections Committee (members present and voting) shall be required for a complaint of a violation and penalty to be upheld. (Revised 11/18/98)
- 6.05 When a complaint is filed, the candidate and the author will be notified of when the complaint hearing is and where it will be located. Both parties will be given copies of the complaint. Both parties shall be afforded the opportunity to speak on the complaint, provide evidence and invite witnesses at the hearing. (Revised 11/18/98)

Violations and penalties are decided by the Elections Committee solely, without the approval of ASJAC. Any appeals to a decision of the Elections Committee regarding a violation and/or penalty must be filed within 48 business hours of the conclusion of the meeting where the decision that is being appealed was made. The Appeals Panel will address the appeal within two business days.

The Appeals Panel shall consist of the Vice President of Student Affairs or designee, the Vice President of Business and Financial Affairs or designee, and the Chair of the University Senate or designee. The Elections Coordinator and the Associated Students Executive Director or designees shall serve as ex-officio non-voting members. In the event of an appeal, the panel shall choose to hear the case based on rationale, and constitutes the final approval in the case of upholding or reversing a decision.

In the event of an appeals hearing, both parties will be notified the time and location of the hearing. Only the filer of the complaint and the candidate will be given an allotted time to speak on their own individual behalf at the appeals hearing. The duty of the Appeals Panel is to review the record of the hearing being appealed and decide whether to support remand or modify the decision of the Elections Committee. The decision of the Appeals Panel shall be final.

- 6.06 **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)

Violations of the Elections Code may result in a reprimand(s) with possible conditions, multiple (three or more) reprimands and/or the possibility of disqualification. By this, the committee can recommend either reprimand(s) or disqualification for violations of this Code. (Revised 11/18/98) (Revised 02/24/99) (Revised 03/03/99) (Revised 5/08/02, 11/17/04)

- 6.07 Any candidate who accumulates three or more reprimands or does not comply with conditions in any of the reprimands is subject to disqualification from the election, subject to appeal to the Appeals Panel. 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)
- 6.08 The ASJAC subject to approval of the ASBOD, 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 ASJAC 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 ASJAC, the conditions and dates of alternate elections at the time that the election is invalidated, and shall specify provisions that may be added or removed from the specific ballot and the conditions under which they may be added or removed.

STUDENT INITIATIVE REFERENDUM

SECTION 7 Election Procedures (Revised 11/18/98)

- 7.01 As stated in Section 91 of these AS bylaws, a student initiative referendum proposal from the regular membership at large may be submitted to the AS Judicial Affairs Council in the form of a petition signed by five (5) percent of the total membership. Language on the petition first must be approved by the ASBOD in consultation with legal counsel of the AS and once so approved, will be the language that will be on the ballot for said student initiative referendum, if the number of required signatures is met; therefore, before the gathering of signatures begins, organizers must submit the petition language to the AS Judicial Affairs Council for approval, with final approval from the AS Board of Directors. Prior to circulation to the members of the AS of a petition for an initiative referendum, the language must be determined to be in compliance with applicable campus and trustee policy and local, state, and federal laws by the ASBOD in consultation with legal counsel of the AS. Such determination shall be made within ten days of the date of submission of the petition. If the ASBOD determines the petition not to be in compliance with any such policy or law, it shall provide a written statement setting forth the manner in which such petition is determined not to be in compliance. If the petition is revised and resubmitted, the ASBOD again shall determine compliance with such policies and laws in consultation with legal counsel within ten days of its re-submission.

Once the ballot/petition language is approved, organizers may begin collecting signatures. All petitions must be submitted to the AS office by the final day of classes of the fall semester in order to be placed on the ballot of the next general election of the AS. Signatures on the petition will be verified over the winter break and will be acted upon at the first meeting of the Judicial Affairs Council in the spring semester. If the petition met the verified signature of five (5) percent of total membership, then the student initiative

ballot language will be included on the ballot of the AS General Elections, and will run the same amount of days and hours as the AS General Elections.

- 7.02 Student initiated referenda shall be conducted utilizing an approved web-based format accessible to all persons, anywhere in the world, who are enrolled at SDSU and have paid their regular Student Body Organization fees for the semester in which the election is taking place (organization regular members), via the Internet during the approved voting period.
- 7.03 ASBOD, A.S. University Council (ASUC), A.S. Campus Life Council (ASCLC) and the ASJAC, as governing bodies, shall not endorse any position of any student initiative referendum. The Elections Committee 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)
- 7.04 As outlined in Section 91 of the Bylaws, Two thirds (2/3) of the votes cast shall be necessary to pass the initiative, provided that at least ten percent (10%) of the organization's regular members eligible to cast votes have cast votes in the initiative referendum. Should the 10% threshold not be met, the referendum vote shall be invalid.
- A. The Elections Committee shall issue a voter pamphlet, which may provide its summary of the proposed issue and statements solicited for and against the proposed issue. The voter pamphlet shall be printed and have the ability to be accessed on the student's web portal when voting.
- 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 Associated Students web site at least twenty-one (21) consecutive days prior to the beginning of voting on the student initiative referendum. Distribution of the voter pamphlet prior to the election shall be in locations determined by the Elections Committee. It shall also be posted on the student's web portal during voting. (Revised 4/26/00)
- Any summary of the issue included in the voter pamphlet should be brief and limited in scope to clarification of the meaning and intent of the referendum language. 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. 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)
- C. The formatting of the text is at the discretion of the Elections 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 summary of the issue, the pamphlet shall include only one statement for and one statement against the issue and a rebuttal to each. These shall be selected by the Election Committee from those submitted and shall be the

statements and rebuttals which, in the opinion of the Election Committee must fairly and accurately address the pro and con positions for the referendum. 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 7.04(c). Notices shall be placed in the *Daily Aztec* soliciting statements for and statements against the issue. Those submitting statements for and statements against the issue shall be invited to attend the meeting and participate in the discussion where the one statement for and the one statement against the issue are selected. The Election Committee shall be responsible for selecting the statement for and the statement against the issue from those duly submitted, giving careful consideration to the advice from those present who submitted statements for and statements against the issue. Once a statement or rebuttal, for or against the issue has been submitted to and received by the Elections Committee, its contents shall not be edited or changed. Notwithstanding the foregoing, the Election Committee reserves the right in its sole and absolute discretion to reject completely any statement or rebuttal which in its opinion unfairly or inaccurately states a pro or con position.
(Revised 4/26/00)

- E. The ASJAC, upon recommendation of the Elections Committee and subject to the approval of the ASBOD, with a two-thirds (2/3) vote of those members present and voting, may remove any Student Initiative Referendum from the ballot at any point in the process.

7.05 Voting instructions as approved by the Elections Committee shall be listed on the ballot.

7.06 The following procedures shall be utilized 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 A.S. office.
- C. 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.

7.07 **Counting Ballots**

- A. When the polls close on the final day of voting, 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 office until ASJAC accepts the results.
- C. Results shall be printed and signed by the Elections Coordinator and posted in the AS office upon completion of the count.

7.08 **Ballot Security**

- A. Ballots shall be given sequence numbers so that ballots can be accounted for.

- B. Only the A.S. Executive Director or 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)

SECTION 8 Campaigning (Revised 3/4/98, 05/13/98, 11/18/98, 02/24/99, 03/03/99, 11/19/08, 11/19/08, 11/30/11)

- 8.01 All campaigners in the student initiative referendum shall be responsible to ensure that all aspects of their campaign, including materials and activities, conform to the Elections Code.
- 8.02 All campaign leaders shall be required to meet with the Elections Coordinator. The meeting shall consist of an explanation of the Elections Code with a question and answer period. (Revised 11/18/98) (Revised 03/03/99)
Campaigning is to occur for two weeks. One week prior to campaigning starting, open forums are to be held in order to educate the student body.
- 8.03 All campaigns shall be conducted 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)
- 8.04 Harassment is prohibited. This includes verbal, written (printed or electronic) and/or physical abuse by any member of a campaign. (Revised 4/26/95) (Revised 11/18/98, 4/19/06)
- 8.05 Campaigning includes any verbal or non-verbal action that promotes a position on the issue. This includes any material(s) that promotes a position on the issue. (Revised 05/13/98) (Revised 03/03/99)
 - A. Verbal campaigning shall be defined as persuasive speaking to prospective voters that promotes a position on the issue. (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 a position on the issue. (Revised 05/13/98) (Revised 11/18/98)
 - C. Campaign material shall be defined as any material that promotes the an aspect of the question on the ballot. This includes, but is not limited to, signs, badges, posters, tee shirts, flyers, balloons, and electronic communication. (Revised 05/13/98)
- 8.06 **Campaign Signs**
 - A. The placement of campaign materials and campaigning of any kind may begin at 4:30 p.m. on the date established by the Elections Committee providing the campaign has met the requirements set forth in Subsections 8.02. Campaign period shall be specified as a period of 14 consecutive days. (Revised 11/18/98) (Revised 03/03/99) (Revised 4/26/00)
 - B. The physical construction of a frame on campus, which ultimately becomes a part of a sign, shall be considered campaigning. Any visible activity related to the reservation of space or preparation to campaign is subject to a maximum of 10 hours in advance of open campaigning. All individuals affiliated with a campaign shall complete and submit a signed waiver of liability provided by the Elections Committee via the AS office in advance of engaging in campaign activities. All campaign activities shall conform to the SDSU Building and Grounds Policy, which can be found at

<http://bfa.sdsu.edu/policies/pdf/BuildGroundRegulations.pdf>.

- 8.07 Regulations and classifications of publicity for campus elections shall be found within this Subsection of the Elections Code. (Revised 03/03/99)
- A. The area within which these regulations shall apply and the jurisdiction of the Elections Committee includes a one-mile radius of the SDSU campus proper. Campaigns 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 shall be in adherence to governing policies. (Revised 11/18/98, 02/24/99)
 - B. Campaigns shall be prohibited from placing flyers on motor vehicles. (Revised 02/24/99)
 - C. Advertising or campaigning that endangers persons on campus or within the one-mile radius of the campus proper (as outlined in Section 8.08(H) of the Elections Code) is prohibited. (Revised 11/18/98, 02/24/99, 03/03/99)
 - D. Campaigns shall be prohibited from posting campaign material over another campaign's material. (Revised 02/24/99)
 - E. Campaigns shall be prohibited from saturating any one area with their own publicity. Saturation is defined as having more than one sign 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. A viewpoint shall be defined as items within peripheral vision from a fixed point. (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, including but not limited to members affiliated with a campaign presenting students with a means to vote. (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, or working in an election area shall not wear or distribute any material promoting any one campaign and shall not publicly campaign in an active or verbal manner on behalf of any campaign. 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 shall be constructed in such a way that they are easily and reasonably movable by no more than two persons. SDSU Facilities Services 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 shall be submitted to the Elections Committee before distribution to determine the ownership of printed campaign materials and accountability of campaigns for said materials. (Revised 05/13/98, 11/18/98, 02/24/99, 03/03/99)
 - L. Each campaign 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)
 3. Each campaign must turn in a printed map and/or list of the locations of where the campaign has placed the stand-alone signs before the signs are made public. If stand-alone signs are added at a later date, an updated map and/or list must be submitted before the signs are made public.
- M. A \$100 deposit shall be collected from each campaign at the time they meet with the Elections Coordinator for the purpose of insuring that campaign signs will be removed from campus by the established deadline.. (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 but are not limited to 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 Conrad Prebys Aztec Student Union). There shall be no written endorsements or campaigning of any kind on the chalkboards in classrooms or campus thereof. (Revised 11/18/98, 02/24/99)
- O. All campaign posters, signs, and banners shall be removed by 8:30 p.m. on the day after voting concludes. 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. Telecommunication may be used if it does 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. Telecommunication material shall be submitted to the Elections Committee before distribution to determine the ownership of electronically distributed campaign materials and accountability of campaigns 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 telephone calls or SMS/Text messaging for the purposes of soliciting votes. (Revised 11/19/08)
1. The use of email is permitted, with the following stipulations: emails can only be sent to persons the campaign 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 shall include an opt-out method for recipients to inform the sender not to send future email messages, and all opt-out requests shall be honored by the sender. (Revised 11/19/08)

2. Social networking websites (including, but not limited to Facebook, Twitter, 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:
 1. 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 campaign. Campaigns are thus not responsible for advertisements automatically inserted into the site by the host or site structural elements that are determined by the host or host policy.
 2. 'Host' shall be defined as the company which operates the root domain (including, but not limited to facebook.com, etc.) and/or with which the profile holder has entered into a use agreement.
 - b. Campaigning shall not be allowed on sites that 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. Campaigns are reminded that websites are considered to be public documents.
 - d. Because campaigns have the ability to delete offending content from their profile pages, campaigns 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 shall be used with authorization from the copyright holder and in accordance with any applicable laws. All content on a campaign'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 shall 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 this Elections Code.
 1. Comments shall not be abusive in nature, number, content, or volume.
 2. While not prohibiting such action, the Committee would like to strongly urge campaigns and supporters to refrain from posting on the sites of opponents.
 3. 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.

- 4. 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 this Elections Code.
- 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. Campaigns may post a direct link to their social network profile on their campaign materials. (Revised 11/19/08)
- l. The use of Blackboard for campaigning is not permitted.
- Q. Campaigns may post a link to the student web portal from their campaign sites. The URL for the WebPortal may be included on campaign material. (Added 11/17/2004, 4/19/06)
- R. There shall be no verbal or written campaigning (use of flyers, buttons, stickers, signs, etc.) during ASBOD, ASUC, ASCLC or ASJAC meetings or meetings of any council, commission, board, sub-board or committee under the jurisdiction of the A.S. (Revised 4/26/00)
- S. Campaign materials (as defined in this Elections Code) will be allowed within the campus Residence Halls only in accordance with the Solicitation Policy of the Residential Education Office. 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)
- T. There is to be no campaigning within 100 feet of an official or unofficial pollsite.
- U. Door to door campaigning shall not be permitted in places of residence, including but not limited to apartments, houses, etc. between the hours of 9 pm and 9 am, and during the hours of voting. Door to door campaigning is not permitted in the Residence Halls at anytime. (Added 12/12/16)
- V. Candidates shall refrain from publicly sharing materials prior to the designated campaign period that later becomes campaign materials. (Added 12/12/16)
- W. If there is any doubt with regards to the Elections Code, the candidate(s) should consult the Elections Committee.

SECTION 9 Campaign Endorsement Policy (Revised 3/4/98) (Revised 5/13/98) (Revised 11/18/98) (Revised 03/03/99)

- 9.01 Campaign endorsement activities shall be subject to this Elections Code, except for internal communication with student organizations' own members.

SECTION 10 Violations of the Student Initiative Referendum Elections Code (Revised 3/4/98) (Revised 5/13/98) (Revised 11/18/98) (Revised 02/24/99)

- 10.01 Complaints of violations of the Elections Code shall be presented, in writing, to the Elections Committee via the AS office. The Elections Committee has the authority to find a campaign in violation and to decide a penalty. The Election Committee's decision is subject only to review by the Appeals Panel. (Revised 11/18/98)
- 10.02 All complaints shall be submitted by 4:30 pm on the second business day after becoming

aware of the alleged violation. All complaints shall be submitted at least two business days before the ASJAC is scheduled to approve the Student Initiative Referendum results (i.e. For a Wednesday meeting, submittals need to be turned in by the close of business on Monday). (Revised 11/18/98)

- 10.03 If the Elections Committee is aware of a violation of the Elections Code, it may call a special hearing to review the possible violation. This hearing will be treated the same as a complaint hearing.
- 10.04 The Elections Committee shall make a ruling upon a complaint within two (2) business days of the submission of that complaint. For a complaint to be addressed six (6) voting members of the Elections Committee shall be present. A two-thirds (2/3) vote of the Elections Committee (members present and voting) shall be required for a complaint of a violation and penalty to be upheld. (Revised 11/18/98)
- 10.05 When a complaint is filed, the campaign leader and the author will be notified of when the complaint hearing is and where it will be located. Both parties will be given copies of the complaint. Both parties shall be afforded the opportunity to speak on the complaint, provide evidence and invite witnesses at the hearing. (Revised 11/18/98)

Violations and penalties are decided by the Elections Committee. Any appeals to a decision of the Elections Committee regarding a violation and/or penalty must be filed in the AS office within 48 business hours of the conclusion of the meeting where the decision that is being appealed was made. The Judicial Affairs Council will address the appeal within two business days.

The Elections Coordinator and the Associated Students Executive Director or designees shall serve as ex-officio non-voting members. In the event of an appeal, the Judicial Affairs Council shall choose to hear the case based on rationale.

In the event of an appeals hearing, both parties will be notified the time and location of the hearing. Only the filer of the complaint and the campaign leader will be given an allotted time to speak on behalf of their campaign at the appeals hearing. The duty of the Judicial Affairs Council in this instance is to review the record of the hearing being appealed and decide whether to support remand or modify the decision of the Elections Committee.

- 10.06 **Penalties for Violations of the Student Initiative Referendum 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)

Violations of the Elections Code may result in a reprimand(s) with possible conditions, multiple (three or more) reprimands and/or the possibility of disqualification of the Student Initiative Referendum. By this, the committee can recommend either reprimand(s) or disqualification for violations of this Code. (Revised 11/18/98) (Revised 02/24/99) (Revised 03/03/99) (Revised 5/08/02, 11/17/04)

- 10.07 Any campaign that accumulates three or more reprimands or does not comply with conditions in the reprimand is subject to disqualification from the election, subject to

appeal to the Judicial Affairs Council. Campaigns 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)

- 10.08 The ASJAC subject to approval of the ASBOD, with a two-thirds (2/3) vote of those members present and voting may invalidate any Student Initiative Referendum 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 ASJAC prior to holding the vote to invalidate said election. (Revised 11/18/98)
- 10.09 The Elections Committee shall announce, with the approval of the ASJAC, if there will be an alternative Student Initiative Referendum, and if so, the conditions and dates of alternate Student Initiative Referendum, at the time that the election is invalidated, and shall specify provisions that may be added or removed from the specific ballot and the conditions under which they may be added or removed.

Section 11 Campus Fee and Student Body Organization Fee Referenda (Adopted 04/28/99)

11.01 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.

11.02 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 ASBOD 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.

11.03 Notice and Requirement for Voter Pamphlet

- F. 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 shall be printed and have the ability to be accessed on the student’s web portal.
- G. 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 shall also be posted on the student's web portal. (Revised 4/26/00)

- H. 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)
- I. 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)

11.04 **Conduct**

The referenda shall be web-based and conducted 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. (Revised 11/17/2004)

11.05 **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 shall 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 ASBOD, 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)

11.06 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.
- B. Persons found to be in violations of Section 7.06a shall be subject to appropriate disciplinary action, including applicable personnel policies, if any, as determined by the University.

11.07 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 ASBOD. 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 ASBOD. The A.S. Executive Director shall provide a written report to the ASBOD 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 shall 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 shall be submitted in accordance with this subsection within three (3) business days of the last day of voting.

11.08 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.

- B. The Elections Coordinator shall maintain public neutrality on the fee action presented in the referenda and shall conform to the provisions of Section 4.06h of the Elections Code.

11.09 **Voter Eligibility**

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

11.10 **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.

11.11 **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.

11.12 **Ballot Counting**

The Elections Coordinator shall arrange for ballot counting in conformity with the provisions of Sections 3.17a, 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)

11.13 **Maintenance of Records**

The Elections Coordinator shall maintain complete records of the referendum, 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.

11.14 **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.

11.15 Changes to Section 11 of the Elections Code

Any changes to this section (Section 11) of the Elections Code will be sent to the Campus Fee Advisory Committee for their information. *(Revised 4/26/00)*