

# POLICY CONCERNING ASI ELECTIONS

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## PURPOSE

The following policy has been established in order for the Associated Students Inc. (ASI) Elections of the ASI President, Vice President, Board of Directors, and TSC Board of Trustees. The policy includes an overview of ASI Elections, qualifications, candidacy, complaints and enforcement.

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## WHO SHOULD KNOW THIS POLICY

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| <input type="checkbox"/> Budget Area Administrators<br><input type="checkbox"/> Management Personnel<br><input checked="" type="checkbox"/> Supervisors<br><input checked="" type="checkbox"/> Elected/Appointed Officers | <input type="checkbox"/> Volunteers<br><input type="checkbox"/> Grant Recipients<br><input checked="" type="checkbox"/> Staff<br><input checked="" type="checkbox"/> Students |
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## DEFINITIONS

For Purpose of this policy, the terms used are defined as follows:

Terms	Definitions
<b>Automatic Disqualification</b>	Occurs immediately due to the Elections Judicial Council's vote on violation(s).
<b>Campaigning</b>	Any effort by any individual or group to influence the decision of any potential voter in support or against any candidate or candidate team appearing on the ballot.
<b>Candidate</b>	One (1) student who has filed the "Petition for Candidacy" forms, attended the mandatory candidate orientation, and fulfilled the requirements to run for office as stated in ASI Policy.
<b>Candidate team</b>	Two (2) students whom have filed the "Petition for Candidacy" forms with the intention of running for ASI President and Vice President, attended the mandatory candidate orientation, and fulfilled required to run for office as stated in ASI Policy.
<b>Disqualification</b>	This is a condition under which a person may not assume, continue in, or run for any elected or appointed ASI position. Can only be finalized by the Elections Judicial Council.
<b>Removal from the ballot</b>	A candidate running for elected ASI office is removed from the ballot. These candidates are prevented from running for ASI office as a write-in candidate.
<b>Violation</b>	A formal complaint that has been filed with and confirmed by the Elections Judicial Council.
<b>Write-In Candidate</b>	Any person who runs for office within ASI and does not have their name pre-printed on the ballot. Write-on candidates shall have the same right and responsibilities as all other candidates, except they did not attend the Candidate Orientation.

## STANDARDS

### 1. ELECTIONS

Each year, the CSU Fullerton's Student Body shall elect the ASI President, ASI Vice President, ASI Board of Directors, and TSC Board of Trustees for the upcoming academic year. The elections shall be held Tuesday through Wednesday three weeks prior to Spring Recess.

Public notice of an election must be given to student body no later than ten (10) legal days prior to the election. The notice shall specify the place(s), the legal day(s), the hours of such elections, and the general nature of the issue(s) to be decided.

The ASI President and Vice President shall run as a candidate team. Individual candidates for either office shall not be allowed. ASI Board of Director must run in one academic college which they are enrolled.

No member of the ASI Executive Officers, ASI Board of Directors, or TSC Board of Trustees shall serve in any other position that receives a financial award or scholarship.

## **2. VOTING PROCEDURES**

Voting will take place the Tuesday through Wednesday three weeks prior to Spring Recess. Voting will open at 8:00 AM PST on the first day and close at 8:00 PM PST on the final day.

Candidates are required to use their name on record with CSU Fullerton on the ballot. The order of candidates appearing on the ballot will be in alphabetical order.

Each student shall be required to authenticate their eligibility to vote by entering their CSU Fullerton credentials on the voting website. A student will vote on a single ballot, in most to least preferred: ASI President and Vice President, ASI Board of Directors, and TSC Board of Trustees.

When voting for the ASI Board of Directors, the student will be voting in the academic college which they are enrolled. If a student is undeclared, they may choose which one academic college to vote in. If a student has multiple declared majors in different academic colleges they shall choose one academic college that they are enrolled to vote in. If a student is voting for a write-in candidate their name must be spelled correctly, as CSU Fullerton has on record, for the vote to count.

## **3. DETERMINING WINNERS**

The Instant Run-Off Voting method will be used to count the votes. On the ballot, voters will rank candidate teams, Director candidates, and Trustees candidates in order of most preferred to least preferred. The Instant Run-Off Voting method simulates an election with multiple run off rounds until a candidate receives majority.

The winners will be the candidate or candidate team who receives a majority of votes in the regular election. A majority shall be defined as 50% plus one individual vote of the total votes cast.

President and Vice President:

- If no candidate team receives a majority of votes in the regular election, the candidate team with the fewest votes shall be eliminated and an Instant Run-Off will occur, as defined by the Instant-Runoff Voting method.
- The eliminated candidate team's votes are transferred to the other candidate team(s), depending on each voter's preference as stated on their ballot. An Instant Run-Off election will be simulated with the new vote totals. This process will repeat until a candidate team receives a majority of votes.

ASI Board of Directors:

- The winners shall be the two (2) candidates from each college who receive the most votes.
- If two candidates tie for second place, the candidate(s) with the fewest votes shall be eliminated

and as Instant Run-Off will occur, as defined by the Instant-Runoff Voting method.

- The eliminated candidate(s) votes are transferred to the other candidates, excluding the candidate that received the highest vote total, depending on each individual voter's preference as stated on their ballot. The winner shall be determined by a simulated election based on the new voting totals.

Titan Student Centers Board of Trustees:

- The winners shall be the ten (10) candidates who receive the most votes.
- If multiple candidates tie for tenth place, the candidate(s) with the fewest votes shall be eliminated and an instant runoff will occur, as defined by the Instant Run-Off Voting method.
- The eliminated candidate's votes are transferred to the other candidates, depending on each individual voter's preference as stated on their ballot. The winners shall be determined by a simulated election based on the new voting totals.

If no candidate or candidate team receives a majority of votes in the regular election, the candidate or candidate team with the fewest votes shall be eliminated and an Instant Run-Off will occur. The eliminated candidate or candidate team's votes are transferred to the other depending on each voter's preference as stated on their ballot. A Run-Off election will be simulated with the new vote totals. This process will repeat until a candidate or candidate team receives a majority of votes.

At the close of the elections the results will be counted. If there are no pending complaints or appeals, the Elections Director will submit the results to be certified within twenty-four (24) hours. The certification process will include review by the Elections Director, Executive Director or designee, and the Vice President of Student Affairs or designee. Results are only certified after any complaints have been heard by the Elections Judicial Council and appeals have been heard by the Board of Directors. Once certified, the results shall be released to the public.

#### **Recounts**

Recounts may be requested by any candidate for the position in which they are running if there is a reason to believe the count was inaccurate. Recounts must be requested before the results have been certified.

## **4. ELECTIONS TEAM**

The Elections Team shall be composed of the Elections Director and two (2) Coordinators. They shall be responsible for promoting ASI Elections and encouraging participation and promotional events for ASI Elections.

The Elections Team shall encourage students to run prior to the Petition for Candidacy form due date, promote voter participation prior to and throughout the election, plan and execute ASI Elections events, and have thorough knowledge and understanding of election rules and procedures.

The Elections Team shall maintain impartiality towards elections. The Elections Team will not campaign in any election nor publicly support any candidate or cause in any election they are overseeing. The Team will not have any other ASI position during their term, and will sign an ASI Conflict of Interest Agreement in accordance with California Education Code. The Team is prohibited from privately discussing elections except with the Elections Advisor.

Elections Team reserve the right to remove any campaign materials in violation.

### **Additional Elections Director Duties**

The Elections Director will be required to follow the responsibilities:

- Oversee ASI Elections.
- Accountable for implanting and enforcing all provisions of the ASI Bylaws and ASI Policy that pertain to ASI Elections.
- Recruit, oversee, and train the Elections Coordinators.
- Chair the Elections Judicial Council.
- Submit a budget request for the next fiscal year to the ASI Board of Directors Treasurer in compliance with the established budget process and deadlines.
- Reassess and reevaluate current practices pertaining to ASI Elections.
- After the candidate certification, the Elections Director shall provide a report to the ASI Board of Directors summarizing the election and proposing any recommendations for the following year.
- Recommend the Board of Directors to remove any member(s) from the ASI Elections Team for due cause.

If any interpretation or question of these Bylaws is required, the Elections Director shall consult the Elections Advisor first prior to announcing a decision.

#### ***a. Appointment of Elections Team***

The Elections Director shall be appointed by the incumbent President and confirmed by a majority vote of the ASI Board of Directors. The Elections Coordinators shall be appointed by the incumbent President, upon recommendation of the incoming Elections Director, and confirmed by a majority vote of the ASI Board of Directors.

The Elections Director and/or Elections Coordinator(s) may be removed for cause by a two-thirds vote of the ASI Board of Directors.

In the event of a vacancy in the position of the Elections Director and/or Elections Coordinator(s), the President shall appoint a new Elections Director and/or Elections Coordinator(s) confirmed by a majority vote of the ASI Board of Directors.

## **5. CANDIDATE QUALIFICATIONS**

The general qualifications are required of all ASI candidates and appointed positions:

#### ***a. Residency***

Undergraduate student candidates for office must have been enrolled at CSU Fullerton for one semester preceding the election earning a total of at least six (6) semester units during that semester. New graduate students who received a bachelor's degree or credential within the past three (3) years from CSU Fullerton must have earned a total of twelve (12) units during their last year as an undergraduate to be eligible. Graduate student candidates for office must have earned at least six (6) semester units per term of continuous attendance as a new graduate student to be eligible.

#### ***b. Grade Point Average***

All student candidates for, or current student officers serving in, an elected or appointed position within ASI must be in good standing, must not be on probation, must have earned a CSU Fullerton semester grade point average of 2.0 and a CSU Fullerton cumulative grade point average of 2.5 for all classes at CSU Fullerton during the semester prior to their candidacy, and must maintain these standards.

*c. Candidate Unit Load*

Undergraduate student candidates must maintain at least six (6) semester units per term while running for office. Graduate student candidates must maintain at least three (3) semester units per term while running for office.

*d. Faculty or Staff*

A student candidate for office may not be a member of the faculty or staff at CSU Fullerton. This does not apply to faculty or staff appointed positions. Graduate assistants shall not be considered faculty or staff.

*e. Incumbent Unit Load*

Undergraduate student officers must earn six (6) semester units of credit per term while holding office. Graduate student officers must earn three (3) semester units of credit per term while holding office.

*f. Incumbent Maximum Allowable Units*

Undergraduate student officers are allowed to earn a maximum of 150 semester units or 125 percent of the units required for a specific baccalaureate degree objective, whichever is greater. Graduate student officers are allowed to earn a maximum of 50 semester units. Students holding over the maximum allowable units are no longer be eligible for office.

## **6. SPECIFIC QUALIFICATIONS FOR ASI BOARD OF DIRECTORS**

*a. Students with Undeclared Majors*

A student with an undeclared major may serve on the ASI Board of Directors representing any academic college of their choice. The candidate must declare an academic college for which they intend to run in their Petition for Candidacy.

*b. Students with Multiple Majors*

A student with multiple declared majors in different academic colleges may serve only one of their academic colleges in which they are enrolled.

*c. Students with Minors*

A student with a minor in an academic college different than their declared major may be only be appointed to represent the academic college of their declared minor. An appointment of this nature would be due to a vacancy on the ASI Board of Directors as described in ASI Policy.

*d. Students Interested in Representing the College of Education*

A student interested in representing the College of Education has to either be enrolled in the academic college or be an active member of a club which is a member of Education Inter-Club Council (EICC).

## **7. CANDIDACY**

*a. Filing for Candidacy*

To be a candidate a student must submit a "Petition of Candidacy" form declaring to run during an election. Candidates may run for only one elected position during a single election. Candidates must qualify to be elected or appointed to any ASI leadership position.

The "Petition of Candidacy" forms will open at least one month before and are due at 5 PM PST the Monday before the Mandatory Candidate Orientation. All deadlines, meetings, and events will be listed on the candidacy form.

The Candidate Orientation time, date, and location shall be stated on the Petition for Candidacy forms. The mandatory candidate orientation must occur at least two weeks prior to the general election.

**b. Write-in Candidates**

Write-in candidates are responsible for complying with all provisions of ASI Bylaws and ASI Policy except for attending the Candidate Orientation.

Write-in candidates may run for any one office of their choice for which an election is being held.

Write-in candidates must complete the Petition for Candidacy form and an ASI Conflict of Interest Agreement. All documents must be submitted to the Elections Director before 5:00 PM PST on Tuesday prior to the start of the election.

**c. Verification**

The Dean of Students or designee will verify the qualifications of candidates running for office or whom have applied for an appointed position. They will report to the ASI Executive Director concerning the qualifications of all candidates or applicants. The ASI Executive Director will have the responsibility to report any ineligible candidate or applicant set forth in ASI Bylaws, ASI Policy, and/or directives from the Chancellor's Office.

## **8. ENDORSEMENTS**

Students may receive endorsements from clubs and/or organizations. If a candidate wants an endorsement they must receive written consent from clubs and/or organizations.

Any club and/or organization receiving sponsorship or funding from ASI shall be prohibited from spending any ASI funds or using any resources to promote or discourage a vote in favor or against any proposition, candidate, or candidate team in any election.

Any unit, body, or office of ASI shall be prohibited from promoting or discouraging a vote in favor or against any proposition, candidate, or candidate team in any election.

## **9. EXPENSES**

All candidates must submit an Election Expense Report to the Elections Director. This report must list all expenses and donations: copies of all campaign materials, receipts for expenses, and donated material will be reported at fair market value for the items or services.

Election Expense Reports will be due by 5:00 PM PST on the Tuesday after the election unless otherwise arranged with the Elections Director.

Election Expense Reports will be considered public information.

## **10. VIOLATIONS**

The purpose of the Campaign Violation System is to hold candidates and candidate teams responsible for threatening the democratic process, committing ethical breaches, interfering with the mission of the ASI, threatening the safety of the campus, and violating ASI and CSU Fullerton protocols. Any candidate or candidate team found before the Elections Judicial Council whom violated these Bylaws or ASI Policy shall be subject to consequences.

**a. Class A (Automatic Disqualification) Violations**

Class A (Disqualifiable) Violations shall carry three (3) strikes. If a candidate commits any of the following,

the candidate is automatically disqualified from the election:

- A violation of these Bylaws, ASI Policy, CSU Fullerton Policy, State or Federal Law in connection to the election in a way which extensively affects the outcome or integrity of the electoral or judicial processes.
- Using CSU Fullerton or ASI authority, facilities, funds, or resources that are not open to all students for campaign purposes to an extent which extensively affects the outcome or integrity of the election.
- Intimidating, impeding, threatening, or retaliating against voters, parties of ASI Board of Directors appeals case, Elections Team, Elections Judicial Council members, candidates, potential candidates, or other persons related to the election.
- Interfering with the polling, voting, or vote count mechanism. Including but not limited to: submitting multiple ballots, modifying any ballot other than one's own, or submitting a ballot for another person.
- Failing to appear at a formal hearing before the ASI Board of Directors.

***b. Class B (Major) Violations***

Class B (Major) Violations shall carry two (2) strikes. If a candidate commits any of the following, the candidate will acquire two (2) strikes against their campaign and, the official ballot shall reflect the specific violation and circumstance:

- A violation of these Bylaws, ASI Policy, CSU Fullerton Policy, State or Federal Law in connection to the election in a way which moderately affects the outcome or integrity of the electoral or judicial processes.
- Using CSU Fullerton or ASI authority, facilities, funds, or resources that are not open to all students for campaign purposes to an extent which moderately affects the outcome or integrity of the election.
- Repeatedly destroying, defacing, covering, moving or removing from their places, posters, signs, banners, leaflets, or flyers representing student organizations and/or University departments in connection to the election.
- Disseminating information intended to mislead or deceive as to the mechanics of the election or intentionally disseminating information that is objectively and probably false on matters pertaining to the CSU Fullerton or the ASI in connection to the election.
- Willfully violating an order from the Elections Judicial Council.
- Filing malicious, frivolous, misleading, or bad faith charges or complaints against any candidate, candidate team, proponent, or opponent in the Elections Judicial Council. If an individual engages a third party to file such charges, both individuals shall be held responsible.
- Actively campaigning or posting campaign materials before the mandatory Candidate Orientation.
- Any Board of Directors candidates from the same college officially or unofficially campaigning together.
- Claiming an endorsement of an individual, group, organization, party, etc. without consent.
- Using the intellectual property of another person or organization to campaign, without the permission of the rightful owner. Candidates shall obtain permission in writing. Action for this violation can only be brought by or on the complaint of the rightful owner.
- Purchasing paid campaign advertising, or soliciting unpaid campaign advertising, in CSU Fullerton or ASI affiliated publication.
- Using internet enabled devices to acquire votes during the voting period. This includes cell phones, tablets, laptops, and other devices that may access the elections ballot.
- Using any means of unsolicited electronic communication "spam" to campaign (electronic mail, phone, message, text, social media). The following are not "Spam":
  - The recipient initiated contact regarding campaign matters through the same communication medium with the author,

- The recipient gave their contact information for the same communication medium to the author's campaign,
- The communication is sent through a social network and the recipient has the author as a connection/friend/etc. on the same social network, or
- The communication is sent through a listserv/group message mechanism run by some organization and the author has permission from the leadership of that organization or is a member in good standing of that organization and the communication clearly indicates the group/listserv through which it is sent. This criteria shall not be valid for group messages sent to an entire class, academic program, or other groups/listservs which students are required to be or automatically are members of

**c. Class C (Minor) Violations**

Class C (Minor) Violations shall carry one (1) strike. If a candidate commits any of the following the candidate will acquire one (1) strike against their campaign, and the official ballot shall reflect the specific violation and circumstance:

- A violation of these Bylaws, ASI Policy, CSU Fullerton Policy, State or Federal Law in connection to the election in a way which minimally affects the outcome or integrity of the electoral or judicial processes.
- Using CSU Fullerton or ASI authority, facilities, funds, or resources that are not open to all students for campaign purposes to an extent which minimally affects the outcome or integrity of the election.
- Violating the CSU Fullerton Posting Policy. Refer to Student Life and Leadership for more information.
- Distributing food and/or beverage, with the exception of unopened water bottles and prepackaged snacks.
- Falsely claiming a past or current position, title, membership, award, other affiliation, etc. with an individual, group, organization, party, etc. When applicable, membership deemed shall be defined as being a member in good standing. Past membership, affiliation, etc. must be noted as such.
- Using the name of any person without prior written consent of that individual. Any materials in violation will be seized and destroyed by the Elections Director.
- Leaving or posting campaign materials in any campus computer lab or classroom containing computers provided by CSU Fullerton.

## **11. COMPLAINTS**

Complaints regarding elections shall be filed electronically on the ASI Website. The complaint must be submitted with a valid contact phone number or email. Incomplete or anonymous complaints will not be considered. Election complaints must be submitted within twenty-four (24) hours of the infraction. All formal complaints filed after twenty-four (24) hours of the infraction will not be considered unless the severity of the violation warrants consideration.

Complainant or designee must appear at the Elections Judicial Council meeting or the complaint will be dismissed.

Complaints regarding candidate violations shall be heard by the Elections Judicial Council. Complaints regarding the elections process or Elections Team shall be heard by the Board of Directors.

## **12. ELECTIONS JUDICIAL COUNCIL**

The purpose of the Elections Judicial Council exists to hear all complaints pertaining to the conduct of any candidate and/or candidate team.

The Elections Judicial Council shall establish annually a schedule by the start of the spring semester. The Elections Judicial Council shall be chaired by the Elections Director and shall be comprised of the Elections Coordinators, a member of the ASI Board of Directors, a member of the Executive Team, and a member of the TSC Board of Trustees. All members of the Elections Judicial Council must have Board of Directors confirmation and declare impartiality through the elections cycle.

Members of the Elections Judicial Council shall be chosen by the last Board of Directors meeting of the fall semester. Once a member is confirmed by the Board of Directors they shall be the only voting member to represent their constituents for the duration of the elections cycle.

Complaints of similar nature under the discretion of the Elections Director may be considered together. Once complaints have been ruled on as a violation there may be a penalty associated with it. All violations shall be thoroughly documented by the Elections Director as all violations are subject to appeal to the Board of Directors.

### **13. PENALITIES**

Any violation(s) of the ASI Bylaws or ASI Policy pertaining to an election may result in a penalty including: suspension or revocation of any publicity, posting, campaigning privileges; posting electronic notice of candidate violations on the ballot; and/or automatic disqualification and shall be administered at the discretion of the Elections Judicial Council. Violations are appealable to the ASI Board of Directors.

Result removal from the ballot:

- Failure to meet all deadlines listed on the Petition for Candidacy form, including the mandatory candidate orientation
- Each candidate shall sign an ASI Conflict of Interest Agreement before campaigning may begin
- Each candidate or candidate team who has accrued three strikes of any combination

### **14. APPEALS**

When a formal complaint becomes a violation, by the Elections Judicial Council, any party identified receiving consequences may appeal the decision to the ASI Board of Directors.

Once notified of the appeal, the Board of Directors will conduct a formal hearing at the next Board of Directors meeting. All parties identified will be required to attend the hearing, including a member of the Elections Judicial Council.

An individual shall be exempt from appearing before the ASI Board of Directors if they can show:

- A valid health excuse, out of town commitment, death in the family, employment obligations,
- Exam/paper due twenty-four hours following the case, an academic commitment during the meeting time,
- Observance of a religious holy day or ceremony which prevents attendance,
- Jury duty or mandatory appearance for legal/administrative proceedings during the meeting time, or
- A force majeure which prevents attendance (this shall be defined as a chance occurrence or unavoidable accident that is not the result of negligence or misfeasance by the individual).

Once the Board of Directors has reached a verdict on the appeal through a formal vote, there shall be no further course of action for all parties involved in the hearing.

## 15. REFERENDUM, SPECIAL ELECTIONS, INITIATIVES, AND RECALL

All referenda, initiatives, and recalls shall be considered binding if done in coordination with the above processes unless they contradict Federal, State, or local law, the Articles of Incorporation, the ASI Bylaws, or the purpose of the Corporation.

### *a. Referendum*

The Board of Directors will be empowered to direct the Elections Director to place certain matters, including constitutional changes or business, before the student body. A majority vote of the Board of Directors shall be sufficient to enact referenda. All referendum shall follow CSU Chancellors Office and CSU Fullerton set guidelines.

### *b. Special Elections*

Only determined by a majority vote of the Board of Directors. All special elections will be held during a general election whenever possible.

When a special election is held separate from a general election, the following conditions shall apply:

- The availability of the voting practices will be identical to that of the most recent previous general election.
- Eligibility requirements shall not change.
- Winners shall be determined by the same method as noted in ASI Policy.
- Candidates shall have the seven (7) consecutive calendar days before voting to campaign.

### *c. Initiative Legislation*

Initiative legislation from the student body may be submitted to the Board of Directors in the form of a petition signed by at least 10% of the total membership of the student body. An initiative can either enact new legislation or repeal existing legislation.

The Vice President for Student Affairs shall verify through the Dean of Students Office the enrollment status of all the students whose signature appears on the petition. After verification, a special election shall be called by the President within fifteen (15) legal days of certification of signatures.

A majority vote in favor of the proposed legislation shall be sufficient to adopt any initiative legislation.

### *d. Recall*

The President, Vice President, a member of the Board of Directors, or a member of the TSC Board of Trustees may be removed from the remaining term of office when the following conditions are met:

- A petition stating the desire to remove a Director must be signed by ten percent (10%) of the headcount of the Director's respective academic college. In the case of the President, -Vice President or Titan Student Centers Student Trustee, a petition stating the desire to remove that officer must be signed by five percent (5%) of the entire headcount of the University. The petitions must include each petitioner's printed name, Campus Wide ID number, and signature to be considered valid.
- Prior to the gathering of signatures, the leader of the recall drive must state in a letter or in person at an ASI Board of Directors meeting the intent to recall an officer. The petition drive has thirty (30) calendar days from announcement to gather the necessary signatures or the recall fails.
- If the correct number of signatures is gathered, they must be verified by the Office of the Vice President of Student Affairs.
- If the appropriate number of signatures is verified, the President must call a special election within fifteen (15) legal days.

- The availability of the Voting Practices will be identical to that of the most recent previous general election.
- Two-thirds of students voting in a special election must vote to recall the officer for the officer to be removed.

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<b>DATE APPROVED:</b>	<b>02/12/2019</b>
<b>DATE REVISED:</b>	<b>12/03/2019</b>