

Elections Judicial Council

Meeting Minutes

March 8, 2019

CALL TO ORDER: MacKenzie Sheppard, Elections Director, called the meeting to order at 11:05 a.m.

ROLL CALL Members Present: Abu-Elhajja, Ansari, Cabral, Naz, Powell, Sheppard

Members Absent:

Officers Present: Beisner, Collins, Wiley

Officers Absent:

*Indicates that the member was in attendance prior to the start of Unfinished Business, but left before the scheduled ending of the meeting. [According to the by-laws, a member of the board who does not remain until the scheduled ending for the meeting (3:45 p.m.) is considered not to be in attendance.]

**Indicates that the member was in attendance for a portion of the meeting, but not in attendance prior to the announcement of Unfinished Business. [According to the by-laws, a member of the board who is not in attendance prior to the announcement of Unfinished Business is considered not to be in attendance.]

ROLL CALL

Members:	Attendance	Officers	Attendance
Abu-Elhajja	Y	Beisner	Y
Ansari	Y	Collins	Y
Cabral	Y	Wiley	Y
Naz			
Powell	Y		
Sheppard	y		

APPROVAL OF AGENDA (Ansari-m/Abu-Elhajja-s) The agenda was approved as presented. There were no objections.

APPROVAL OF MINUTES None

PUBLIC SPEAKERS None

TIME CERTAIN None

REPORTS Sheppard reviewed information from ASI Bylaws Article XI, Section 4, Clause 1, "Establishment of Violation System." She shared that the goal of the EJC is to hold candidates accountable, hear complaints, decide validity, and what part of the violations they fall under as established in ASI bylaws. Each representative was given a copy of the bylaws.

Sheppard reviewed Class A, Class B and Class C violations from the Bylaws, and asked members to familiarize themselves with the violation categories.

Reviewed the following:

- ASI Website regarding how to submit RFI and Complaint forms.
- EJC process for reviewing complaints and/or RFI submissions.
- Reviewed section 8, Enforcement, clause 1.f which states “complaints of similar nature under the discretion of the Elections Director may be considered together. Sheppard yielded to Wiley. Wiley talked about the grouping of items process. He shared the goal is to build efficiency in the process and informed the EJC that they can separate items if necessary.

Sheppard provided an overview of the review of complaints during EJC meetings. Each complainant will come before the EJC to explain. Also, each person receiving a complaint will have the opportunity to speak to the EJC.

Beisner asked if the EJC could ask questions of persons appearing before the Council. Wiley shared EJC can ask questions to gather enough information to make an informed decision.

Sheppard asked the EJC to introduce themselves.

- Beisner, shared that he is the Executive Director for Risk Management and Compliance for CSUF, serving as Ex-officio member of the EJC to provide guidance through the process.
- Abu-Elhajja shared ASI Board Vice Chair/Treasurer, serving as the Board of Director’s representative and Director for the College of EDU.
- Ansari, ASI Vice President.
- Mia Powell, Elections Coordinator.
- William Cabral, Elections Coordinator.
- Wiley, Designee for Dr. Edwards, ASI Executive Director.

Sheppard continued with her report. Confirmed all student representatives are voting members.

Reviewed candidate orientation information/presentation which is available online, <https://asi.fullerton.edu/student-government#Elections> .

To date, there have been no elections complaints.

UNFINISHED BUSINESS

None

NEW BUSINESS

Discussion: Elections Judicial Council Role and Scope

Sheppard reviewed the role of the EJC is to review and respond to requests for information or hear all formal complaints. Addressed a question from Abu-Elhajja, regarding what to do when a student/candidate asks about the process or brings

concerns to the attention of an EJC member. Sheppard directed all members to refer inquiries relating to the elections process to the Elections website, the Request for Information (RFI) form. Questions should be sent through the system for consistency in providing information to all candidates.

Wiley shared an overview of the RFI process. When a candidate(s) asks questions about their campaign or the elections process, bring the issues to the EJC to get direction for the Elections Director to bring back to the requesting party. Additionally to provide a summary of the question, and bylaw reference to all candidates. Complaints are handled differently through the EJC. Parties to a complaint come to the EJC, the Council will discuss how bylaws apply, and decide if there is a violation or not.

Reviewed the complaint form in detail. If a complaint is found to be in violation of bylaws, parties will be notified.

Things that may need to be discussed in training:

- How do we respond to candidates?
- What happens if an EJC member witnesses or is personally aware of a complaint or violation?

Abu-Elhajja asked for clarification regarding how to handle questions coming from candidates.

Sheppard provided direction and suggested referring candidates to the official forms on the ASI website. Wiley added for the validity and confidence in the system, to submit requests through the system to ensure information and clarification is provided to all parties.

Naz entered at 11:28am

Wiley encouraged the Council to consider if a student is feeling distressed or harassed, they can always reach out to the Dean of Students Office, or Counseling services on campus. The scope of the EJC is focused on elections, candidates, and following the rules of the process.

Abu-Elhajja shared Social Media and campaigning can be a blurred line between roles on campus and campaigning. She asked how students navigate the process of using social media in their campaigning process. Wiley shared this is a great situation to look at if the bylaws address the question or not. He referred to Article XI Class B regarding unsolicited communication. The EJC would need to evaluate and determine if there is a violation in each particular situation.

Abu-Elhajja asked about students who are in ASI, which may give them leverage over other candidates, and asked if the bylaws address this scenario. Sheppard referred to bylaws Article XI, Section 7, Class C, Clause 1.e. Wiley, urged the team to familiarize themselves with the Elections Bylaws.

Ansari shared that if a violation is observed by an EJC member, ethically she feels that it should be reported by the member. Wiley shared as a body/group, responsibility is to respond to what is submitted. As individual members of the group, if you feel compelled, can submit complaints. If you are the submitter of a complaint, you are

required to be the presenter of the information to the EJC, and should recuse yourself from voting on the complaint.

Abu-Elhajja asked for clarification regarding a candidate asking an EJC member for advice about a potential violation. Sheppard shared if a candidate is asking for advice, refer them to the RFI form so the question can be addressed at the EJC.

Wiley recommended also to inform candidates that they should familiarize themselves with the rules/bylaws. Refer them to the RFI form to get an answer.

Ansari asked about the timeline for RFI review and responses. Sheppard confirmed that the EJC will meet on Friday, March 8th, 15th and 22nd to address any RFI and complaint submissions. Ansari shared in the past people have not wanted to submit an RFI because the information becomes public. She shared that she has encouraged candidates to submit their questions to ensure that what they want to do is valid.

Beisner suggested that if someone comes to an EJC member with a confidential complaint, to explain that if they choose to move forward with the conversation, you, as an EJC member may have to act on the information and then give them other resources such as the RFI or complaint form.

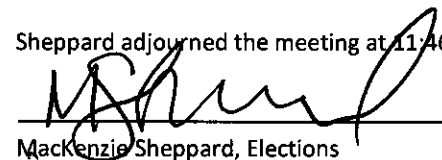
There was no further discussion.

Announcements/Members
Privilege

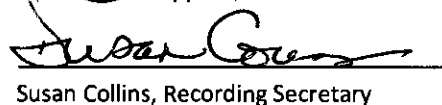
None

Adjourn

Sheppard adjourned the meeting at 11:46 a.m.



Mackenzie Sheppard, Elections



Susan Collins, Recording Secretary

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ARTICLE XI

**ENDORSEMENTS, VIOLATIONS, AND
ENFORCEMENT**

Section 1. ENDORSEMENTS

- Clause 1. 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. These clubs and/or organizations shall not use any ASI funding to support these candidates.
- Clause 2. Any unit, body, or office of the Associated Students shall be prohibited from promoting or discouraging a vote in favor or against any candidate or candidate team in any election (including recall elections).
- Clause 3. Any unit, body, or office of the Associated Students shall be prohibited from promoting or discouraging a vote in favor or against any proposition in any election.
- Clause 4. Any organization receiving sponsorship or funding from the Associated Students shall be prohibited from spending any Associated Student funds or using any resources to promote or discourage a vote in favor or against any proposition, candidate, or candidate team in any election.
- Clause 5. Individual officials of an organization receiving sponsorship or funding from the Associated Students may express their individual views in support or opposition of a candidate (including themselves) or candidate team. In expressing such views, they may identify themselves as officials of their organization, provided it is clear they are not speaking for the Associated Students, their organization, or the student body as a whole.

Section 2. EXPENSES

- Clause 1. All candidates must submit an Election Expense Report to the Elections Director listing all expenses and donations.
 - a. Copies of all candidates' campaign materials and receipts for expenses (not including donated material) must be submitted with the Election Expense Report.
 - b. Donated material will be reported at fair market value for the items or services.
 - c. Election Expense Reports will be due by 5:00 P.M. on the Tuesday after the election unless otherwise arranged with the Elections Director. These reports shall be placed in a locked box in the Elections Advisor's office area which will be specified in the elections packet.
 - d. Election Expense Reports will be considered public information.

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Section 3. **COMPLAINTS** regarding elections shall be filed electronically on the ASI Website.

- Clause 1. The complaint must be submitted with a valid contact phone number or email. Incomplete or anonymous complaints will not be considered.
 - a. Complainant or designee must appear at the Elections Judicial Council meeting or the complaint will be dismissed.
- Clause 2. 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.
- Clause 3. Complaints regarding candidate violations shall be heard by the Elections Judicial Council.
- Clause 4. Complaints regarding the elections process or Elections Team shall be heard by the Board of Directors.

Section 4. **ESTABLISHMENT OF VIOLATION SYSTEM**

- Clause 1. 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 Associated Students, threatening the safety of the campus, and violating Associated Students and CSU Fullerton protocols. Any candidate, candidate team, or coalition found before the Elections Judicial Council to have committed violations shall be subject to punishment by the guidelines set forth under Enforcement (Section 8).
- Clause 2. Campaigning shall be defined as 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 through the use of verbal or nonverbal interaction, electronic correspondence of any kind, use of physical materials, or the use of any persons as an intermediary to communicate the same.

Section 5. **CLASS A (AUTOMATIC DISQUALIFICATION) VIOLATIONS**

- Clause 1. 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. 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.
 - b. A violation of ASI 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.

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- c. Using CSU Fullerton or Associated Students 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.
- d. Bribing any voter or group of voters which includes giving items (e.g. campaign branded items or items of negligible value such as promotional items or items under 5 [five] dollars) with the intent of an exchange for a vote for the candidate(s) or candidate team(s). Items may be freely given to voters, however the intent to withhold or exchange items to solicit votes or other services is forbidden.
- e. Bribing, conspiring with, claiming an endorsement of, or otherwise corruptly influencing an Elections Team or any other person involved with the operation of the election.
- f. Intimidating, impeding, threatening, or retaliating against voters, parties of a Board of Directors appeals case, Elections Team, Elections Judicial Council members, candidates, potential candidates, or other persons related to the election.
- g. Failing to appear at a formal hearing before the ASI Board of Directors.

Section 6. CLASS B (MAJOR) VIOLATIONS

- Clause 1. 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. Systematically or repeatedly and willfully destroying, defacing, covering, moving or removing from their places, posters, signs, banners, leaflets, or flyers representing student organizations and/or University departments.
 - b. A violation of ASI 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.
 - c. 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.
 - d. Using any means of unsolicited electronic communication “spam” to campaign (electronic mail, phone, message, text, social media). The following are not “Spam”:
 - I. the recipient initiated contact regarding campaign matters through the same communication medium with the author;

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- II. the recipient gave their contact information for the same communication medium to the author's campaign;
 - III. the communication is sent through a social network and the recipient has the author as a connection/friend/etc. on the same social network;
 - IV. 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.
- e. Actively campaigning or posting campaign materials before the mandatory Candidate Orientation.
 - f. Any Board of Directors candidates from the same college officially or unofficially campaigning together.
 - g. Willfully damaging or destroying the campaign materials of another candidate.
 - h. 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.
 - i. Willfully violating an order from the Elections Judicial Council.
 - j. Providing false or misleading information, evidence, or testimony to the Elections Judicial Council.
 - k. 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.
 - l. Purchasing paid campaign advertising, or soliciting unpaid campaign advertising, in CSU Fullerton or Associated Students affiliated publication.
 - m. Using CSU Fullerton or Associated Students 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.
 - n. Claiming an endorsement of an individual, group, organization, party, etc. without their/its consent. Candidates should, but are not required, to obtain endorsements in writing.
 - o. Disseminating information intended to mislead or deceive as to the mechanics of the election or intentionally disseminating information that is objectively and probably

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false on matters pertaining to the CSU Fullerton or the Associated Students

Section 7. CLASS C (MINOR) VIOLATIONS

- Clause 1. 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. Violating the CSU Fullerton Posting Policy. Refer to Student Life and Leadership for more information.
 - b. Persistently blocking any entrance or tight space, or otherwise significantly restricting the flow of vehicular or pedestrian traffic on campus.
 - c. Distributing food and/or beverage, with the exception of unopened water bottles and prepackaged snacks.
 - d. Using CSU Fullerton or Associated Students authority, facilities, funds, or resources that are not open to all students to an extent which minimally affects the outcome or integrity of the election.
 - e. 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.
 - f. 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.
 - g. Leaving or posting campaign materials in any campus computer lab or classroom containing computers provided by the university.

Section 8. ENFORCEMENT

- Clause 1. **Elections Judicial Council**
- a. Shall exist to hear all formal complaints pertaining to the conduct of any candidate and/or candidate team.
 - b. The Elections Judicial Council shall be chaired by the Elections Director and shall be comprised of the Elections Coordinators, a member of the Board of Directors, a member of the Executive Team, and a member of the Titan Student Centers Board of Trustees. The Vice President of Student Affairs or designee shall be a standing liaison officer. The Executive Director or designee shall be the standing advisor.

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- c. All members of the Elections Judicial Council must have Board of Directors confirmation and declare impartiality through the elections cycle.
- d. 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.
- e. Meetings shall conduct their business in duly noticed public meetings and are required to comply with all provisions of the Gloria Romero Open Meetings Act (Education Code Sections 89305 to 89307.4) as outlined in ASI Policy. Any person may attend any of these meetings except as otherwise outlined in section 89305.1(b)(1)(B)(i)-(iv) of the California State Education Code.
- f. Complaints of similar nature under the discretion of the Elections Director may be considered together.

Clause 2. **PENALTIES**

- a. Any violation(s) of these Bylaws may result in a consequence 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 Board. Consequences are appealable to the ASI Board of Directors.
 - I. A violation shall be defined as a formal complaint that has been filed with and confirmed by the Elections Judicial Council.
 - II. Elections Team reserve the right to remove any campaign materials in violation.
 - III. All violations shall be thoroughly documented by the Elections Director as all violations are subject to appeal to the Board of Directors.
 - IV. Each candidate or candidate team who has accrued three strikes of any combination will be disqualified.
 - V. Candidate teams shall be held responsible as a team for any violations confirmed against the team or one of its members.

Clause 3. **APPEALS**

- a. When a decision has been made by the Elections Judicial Council concerning a formal complaint, any party identified in the complaint or receiving consequences as a result of the complaint may appeal the decision to the ASI Board of Directors.
- b. Once notified of the appeal, the Board of Directors will conduct a formal

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hearing at the next Board of Directors meeting following open meeting laws. All parties identified in the elections complaint will be required to attend the hearing, including a member of the Elections Judicial Council to explain to the Board of Directors how the council arrived at their decision.

- I. An individual shall be exempt from appearing before the ASI Board of Directors if they can show:
 - (1) a valid health excuse, out of town commitment, death in the family, employment obligations,
 - (2) exam/paper due twenty-four hours following the case, an academic commitment during the meeting time,
 - (3) observance of a religious holy day or ceremony which prevents attendance,
 - (4) jury duty or mandatory appearance for legal/administrative proceedings during the meeting time, or
 - (5) 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).

- c. 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.

ASI Election Request for Information Form

Please use this form to file a request for information related to the ASI Student Body Election. The form requires your name and email address, as the requester, but also asks for your phone number, which is recommended. Including your name and email address is required in order for the request to be reviewed and answered.

Some inquiries may be able to be answered without consideration by the Elections Judicial Council while others will not. If an inquiry needs to be considered by the Elections Judicial Council, it may delay response. The Elections Judicial Council will hold regular meetings on Fridays at 11am on March 8th, 15th, and 22nd.

Requester Name (the person filling out this form) *

First Last

Requester Email *

Requester Phone Number (Recommended)

____ - ____ - _____
#####

Request for Information--Please include a detailed summary of your request including: The general description and specific application of what you would like to do, the ASI Bylaws clause you want clarification on and in what way, and any other pertinent information to your request.

Please attach any documents and/or photos relevant and/or descriptive of your request. Combine multiple documents and/or photos into one file prior to upload.

No file chosen

Thank you for submitting an ASI Election Request for Information Form. The ASI Elections Judicial Council will review and answer your request. You will be notified of the answer when issued.

If you have any questions, please contact the ASI Elections Director at aselections@fullerton.edu.

ASI Election Complaint Form

Please use this form to file a complaint related to the ASI Student Body Election. The form requires your name and email address, as the complainant/submitter, but also asks for your phone number, which is recommended. Including your name and email address is required in order for the complaint to be considered. In addition, you or a representative must appear at the Elections Judicial Council in order to present your complaint and have it be considered. If you or a representative is not present, your complaint filing will be dismissed.

The Elections Judicial Council will hold regular meetings on Fridays at 11am on March 8th, 15th, and 22nd. These meetings will allow the complainant/submitter to present their complaint and the accused candidate(s) to provide a response.

The ASI Elections Complaint Form will be deactivated as of 9pm on Wednesday, March 20th. If you wish to file a complaint after this time, please contact the Chair of the ASI Board of Directors at asboardchair@fullerton.edu.

Complainant Name (the person filling out this form) *

First Last

Complainant Email *

Complainant Phone Number (Recommended)

- -
####

This complaint is against:

Complaint Description--Please include a detailed summary of your complaint including: Who you believe committed the violation, what act(s) you believe were committed that were in violation, where you believe the act(s) were committed, when you believe the act(s) were committed, and why you believe this is a violation. Please include specific names, dates, times, locations, etc. It is also recommended that you indicate the area(s) of the ASI Bylaws that have been violated.

Please attach any documents and/or photos relevant and/or supporting of your complaint. Combine multiple documents and/or photos into one file prior to upload.

No file chosen

Thank you for submitting an ASI Election Complaint Form.

If you have any questions, please contact the ASI Elections Director at aselections@fullerton.edu.